2013–2014
ANNUAL REPORT

The Office of the
Ombudsperson
B.C.'s Independent Voice For Fairness

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The Honourable Linda Reid
Speaker of the Legislative Assembly
Parliament Buildings, Room 207
Victoria BC V8V 1X4

Dear Madame Speaker:

It is my pleasure to present the Office of the Ombudsperson's 2013/14 Annual Report to the Legislative Assembly.

This report covers the period April 1, 2013 to March 31, 2014 and has been prepared in accordance with section 31 (1) of the *Ombudsperson Act*.

Yours sincerely,

Kim S. Carter
Ombudsperson
Province of British Columbia

June 2014

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From the Ombudsperson

"Public service reminds us all there exists a genuine concept of the public good in the broad public interest. While we value individual liberty and protect it, as Canadians we also maintain a strong tradition of the public good, that is what is good for society as a whole."

Jim Flaherty, Speech at Western University, October 11, 2011

It is the concept of public service – service to members of the public and the public good – that is at the heart of the work of the Office of the Ombudsperson. We also see British Columbians who come to our office with their concerns and complaints about provincial public agencies, as serving the public good.

While it may be their individual problems or difficulties that bring people to the Office of the Ombudsperson, the opportunity they present to our office is to independently and impartially find a fair and reasonable resolution not only for them, but also for every other person who might face the same problem or difficulty, and for the provincial public agency with which they have been dealing.

People who are willing to pursue a concern or complaint play a significant role in identifying and resolving problems in the public sector. Most public services are sole sourced, essentially service monopolies. The citizens who access these services cannot simply change to another service provider if they find the programs are not being administered properly. To bring about positive and needed change they have to speak up and bring forward their concerns and complaints. This takes energy and commitment – sometimes from people who can little afford either.

Sharing the fair and reasonable resolutions this office achieves can improve public service generally, enhance good public administration across the province, and assist in delivering what every person in British Columbia is entitled to expect and receive, fair treatment by public authorities. This annual report is one of the ways our office can share the fair and reasonable resolutions that have been achieved during the 2013/2014 reporting year.

Many of the problems and difficulties that have been resolved touch on traditional issues of social justice for some of the least powerful of our communities, such as those with disabilities, children receiving services from the province, injured workers, seniors in need of assistance, single parents, or those being detained in provincial institutions. This is work that people often associate with the Office of the Ombudsperson.

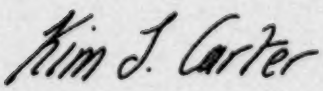
As some of the case summaries included in this year's annual report show however, our jurisdiction and the areas we work in are much broader than that. If you are a hunter who comes across Rocky Mountain bighorn sheep ram's horns and receives conflicting information about how you can recover them you may end up coming to our office for assistance. If you are a landowner dealing with neighbour's cattle damaging your property and can't get a definitive answer about whether you live in a Pound District or a Livestock District our office may assist. If you are a landlord who finds that a local government carries out clean-up work and bills you before the timeframe it gave you to complete the work yourself has expired, then you too may be coming to the Office of the Ombudsperson to seek a fair and reasonable resolution.

Respecting the requirements of administrative law; designing public policies and processes that incorporate the principles of administrative fairness; treating all those who come to public agencies for service and support with courtesy and respect – these are all part of administrative fairness which is the business of the Ombudsperson Office.

Many investigations into individual complaints lead to policy and process improvements, ranging from updated school waiver forms to reviews of restrictions on income assistance recipients and improved procedures for protecting prisoner's privacy. In addition to these individual investigations the Office of the Ombudsperson also conducts systemic investigations. These in-depth investigations into the administrative fairness of a public program usually begin when individual British Columbians come to our office with their concerns and complaints. Individual investigations can lead to the identification of an area that would benefit from a broader investigative approach. As both of the systemic reports completed in 2013/2014, *Time Matters: An Investigation into the BC Employment and Assistance Reconsideration Process* and *Striking a Balance: The Challenges of Using a Professional Reliance Model in Environmental Protection – British Columbia's Riparian Areas Regulation* demonstrate it is because people come forward with concerns and complaints about their situations that significant gaps in program administration, in areas ranging from income support to environmental protection, are brought to light and can be addressed.

Ultimately all this progress can only be achieved through the work done by the staff in our office. Sometimes people wonder how people in our office maintain their enthusiasm, dedication and empathy while dealing on an on-going basis with difficult problems and situations that can often appear intractable. I think that it is their unwavering commitment to public service, to what is good for society as a whole, which allows them to do this. That rare and necessary commitment is I believe most eloquently expressed in the following words:

> *"More than 20 years with the Office of the Ombudsperson has passed by and all of it has been challenging, meaningful, and rewarding. It is a privilege to work here... Complainants have taught me many valuable life lessons and amazed me with their resiliency in the face of overwhelming problems. I have had the pleasure of working with and knowing remarkable people, in every role and function of the office."*
>
> Linda Carlson, Deputy Ombudsperson, Letter of Notice of Retirement - 2014



Kim Carter
Ombudsperson for British Columbia

The Year In Review

By the Numbers

- 7,688 inquiries and complaints
- 1,969 requests for information or assistance
- 3,744 matters dealt with by complaints analysts
- 1,671 investigative files completed
- 224 early resolution files completed
- 246 files awaiting assignment on March 31, 2014

> "Thank you for your time and effort in my case. I now have my license. I'm sure it was your action looking into the situation that made it come to an end. I'm glad for the Ombudsperson when people are being stone walled. Thank you."
>
> From a note sent to us in 2013/2014

2013/2014 in Review

The percentage of files opened by major authority category remained similar to 2012/2013 numbers.

AUTHORITY CATEGORY	FILES OPENED 2013/2014 (2012/2013)	FILES CLOSED 2013/2014 (2012/2013)
Ministries	55% (55%)	56% (54%)
Crown Corporations	14% (11%)	14% (11%)
Commissions and Boards	11% (14%)	11% (14%)
Local Government	8% (7%)	8% (7%)
Health Authorities	7% (9%)	7% (10%)
Professional Associations	2% (2%)	2% (2%)
Schools and Boards of Education	2% (1%)	1% (1%)

In January 2014, the office released *Time Matters: An Investigation into the BC Employment and Assistance Reconsideration Process.* The report identified that the Ministry of Social Development and Social Innovation was not meeting its own legislated requirements to complete reconsideration decisions within specified time limits. The ministry's delays meant more than 900 of the ministry clients lost benefits they were entitled to receive. As a result of this investigation, almost $350,000 in lost benefits was paid to persons financially affected by these delays. Government also made a change to regulations to require that when reconsideration decisions are not made within specified time limits, approved benefits must be paid retroactively to address any adverse financial impacts. Finally, the ministry agreed to improve the way that it tracks reconsideration requests and compliance with time limits.

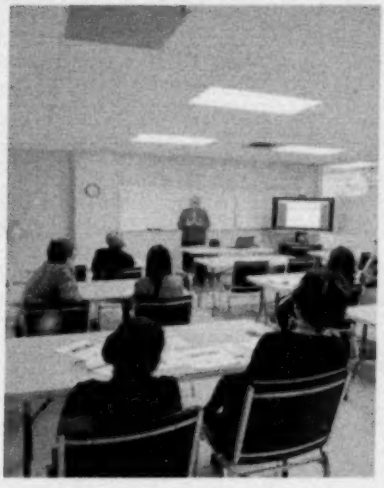
In March 2014, the Systemic Investigation Team produced a report called *Striking a Balance: The Challenges of Using a Professional Reliance Model in Environmental Protection – British Columbia's Riparian Areas Regulation*.

This investigation into an environmental protection program concluded that there was a lack of oversight, training, information and reporting of the *Riparian Areas Regulation* (*RAR*) program by the provincial government. Twenty five recommendations were made to the Ministry of Forests, Lands and Natural Resource Operations to ensure the *RAR* functions in an administratively fair manner as it relates to the challenges and complexities associated with development. Twenty four of the 25 recommendations were accepted.

This year, the Ombudsperson and staff travelled to three different parts of the province, to 11 communities and opened up "An Ombudsperson Office for the Day" in each community. These events are opportunities for people who have a complaint about a public agency to meet in person, in their community with a staff member. Also during these tours, the Ombudsperson met with public agencies that fall under her jurisdiction as well as with community groups to speak about the role of the office. The list of non-profit groups, authorities and professional contacts we engaged with this year is found on pages 6 and 7.

North Shore Multicultural Society, North Vancouver

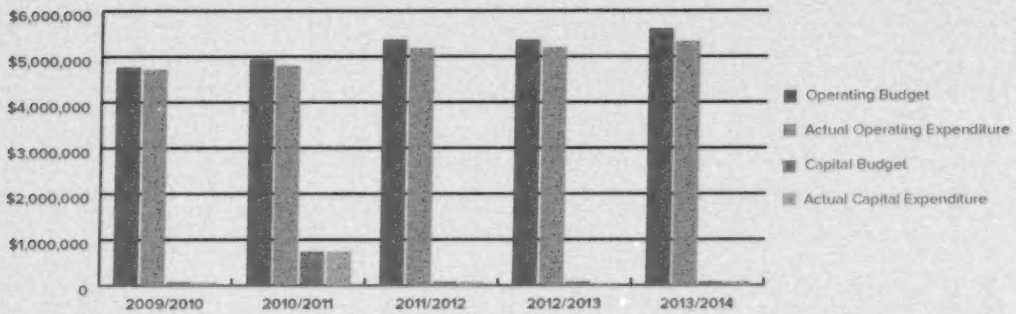
Ombudsperson staff in Sparwood



Immigrant Services Society of BC, Vancouver

Budget Summary

The 2013/2014 annual operating budget for the Office of the Ombudsperson was $5,615,000. Thirty-five staff worked on Ombudsperson functions and 14 shared services staff in the office provided finance, administration, facilities, HR and IT support to four offices of the Legislature – the Office of the Information and Privacy Commissioner, the Office of the Merit Commissioner, the Office of the Ombudsperson and the Office of the Police Complaint Commissioner.



	2009/10	2010/11	2011/12	2012/13	2013/14
Operating Budget	4,773,000	4,945,000	5,372,000	5,372,000	5,615,000
Actual Operating Expenditure	4,721,577	4,803,266	5,189,800	5,204,411	5,337,909
Capital Budget	75,000	741,000	75,000	75,000	75,000
Actual Capital Expenditure	67,117	737,709	70,237	36,381	70,718

Note: The Capital Budget and Actual Capital Expenditure for 2010/2011 included a one-time cost to undertake tenant improvements on a building for which the four offices identified above have a 15-year lease.

Members of the Shared Services staff

Outreach

An important activity of our office is outreach to the people, communities and authorities who can benefit from the investigations our office conducts and the resolutions the office provides. Ensuring the office is accessible to all British Columbians is critical to fulfilling our mandate. A number of significant outreach activities took place which included:

- setting up an Ombudsperson Office for the Day in eleven communities around the province
- meeting with multicultural organizations
- making changes to our website including enhancements to allow partially sighted people to be able to better read the website
- adding a new section to the website called Other Languages. Reaching out to British Columbia's growing multicultural community is an ongoing priority for our office. This year we added Farsi to our expanding list of translated brochures, and we have expanded our outreach to British Columbians who speak Chinese and Punjabi

2013/2014 Outreach Tours

- Cranbrook, Elkford, Invermere, Sparwood
- Burnaby, Vancouver, North Vancouver
- Kelowna, Merritt, Penticton, Vernon

2013/2014 Outreach to Non-Profit Groups and Other Organizations

- AMSSA (Affiliation of Multicultural Societies and Services Agencies of BC)
- Association of BC Constituency Assistants for the Official Opposition
- BCGEU Home Support Forum
- Brentwood Bay Rotary Club
- The Bridge Youth and Family Services
- Cranbrook and District Community Foundation
- Cranbrook Sunrise Rotary Club
- Delta Seniors Planning Table
- Elder Friendly Community Network
- Greater Victoria Seniors
- Invermere Family Resource Centre
- Invermere Seniors Group
- ISS of BC
- Law Centre
- Leadership Program for Physicians and Leaders in Long-term Care
- Legislative Interns
- Living Positive Resource Centre Okanagan
- MS Society
- Mission Seniors Group
- North Okanagan Youth and Family Services
- North Shore Community Resources Society
- North Shore Multicultural Society
- North Shore Neighbourhood House
- Pacific Community Resources
- Partners in Action
- Penticton Rotary Club
- Radium Hot Springs Sunrise Rotary
- Simon Fraser Political Science Classes
- Social Planning Council for the North Okanagan
- South Island Health Coalition
- South Okanagan Immigrant and Community Services
- South Okanagan Women in Need Society
- Sparwood Old Age Pensioners
- UVic Administrative Law Class
- Vancouver Diversity Fair
- Vancouver Island Chapter of the Institute of Internal Auditors

- Vancouver & Lower Mainland Multicultural Family Support Services
- Vernon & District Immigrant Services Society
- Victoria Men's Newcomer's Club
- Voices for Seniors

2013/2014 Outreach to Authorities

- Alouette Correctional Centre for Women
- BCIT
- City of Cranbrook
- City of Langford
- City of Merritt
- City of Victoria
- Community Living BC
- Correctional centres
- Coroners Service
- District of Elkford
- District of Invermere
- District of Saanich
- District of Sparwood
- Fraser Regional Correctional Centre
- ICBC
- Law Society
- Kamloops Regional Correctional Centre
- Ministry of Children and Family Development
- Ministry of Community Sport and Cultural Development
- Ministry of Social Development and Social Innovation
- Nicola Valley Institute of Technology
- Office of the Superintendent of Motor Vehicles
- Prince George Regional Correctional Centre
- Prince George Youth Custody Services
- School District No. 5
- School District No. 6
- Surrey Pretrial Services Centre
- Township of Esquimalt
- University of BC – Okanagan Campus
- University of Victoria
- Vancouver Island Health Authority
- Victoria Youth Custody Centre
- Village of Radium Hot Springs

Professional Contact with Other Ombudsperson Organizations and Groups

- Canadian Council of Parliamentary Ombudsman
- Canadian Taxpayer's Ombudsman
- Forum of Canadian Ombudsman
- Hong Kong District Group
- Osgoode FCO Ombudsman course
- NorthWest Ombuds Group
- Nova Scotia Ombudsman
- United States Ombudsman Association

"...my sincere gratitude and appreciation for Kim's engaging and interesting talk. I thoroughly enjoyed the instructive insight into the OmbudsOffice that she brought to class. Based on discussions with students, I can also say they were very enlightened by Kim's presentation and grateful to her for making the time to come speak to their class."

Scott MacLeod, Political Science Instructor, Simon Fraser University

> "(I)...want to say Well Done! And to thank you. The money – principal – I was awarded on the principle I was fighting for is of far less significance to me than that principle. Having had some tiny part in helping disabled people in this province has been worth the effort and the long wait."
>
> From a note sent to us in 2013/2014

University of Victoria Administrative Law 151 Class

University of Victoria Law School Coop students

Videoconference with Hong Kong District Group

Affiliation of Multicultural Societies and Services Agencies of BC (AMSSA), Diversity Fair, Surrey

Delta Seniors Planning Table

> "Thank you for sending our office a copy of the 2012-2013 Annual Report which I found very informative. Your work is extremely valuable as it provides the avenue to assist those in need especially those most vulnerable."
>
> Mary Guiliano, Mayor, City of Fernie

The Office of the Ombudsperson

Our Vision

British Columbia's Independent Voice for Fairness

Our Mandate

- To ensure every person in British Columbia is treated fairly in the provision of public services
- To promote and foster fairness in public administration in British Columbia
- To uphold the democratic principles of openness, transparency and accountability

Who We Serve

- The people of British Columbia
- The Legislature
- The principles of administrative fairness

What We Do

- Respond to inquiries from the public
- Provide information, advice and assistance on issues of administrative fairness
- Conduct thorough, impartial and independent investigations of complaints
- Look for fair resolutions and make recommendations to improve administrative practices
- Independently initiate investigations of apparent administrative unfairness
- Provide reports to the Legislative Assembly and the people of British Columbia about the work of the office and remedying unfair administrative practices
- Generally oversee the administrative actions of public agencies to enhance transparency and accountability

Our Guiding Principles

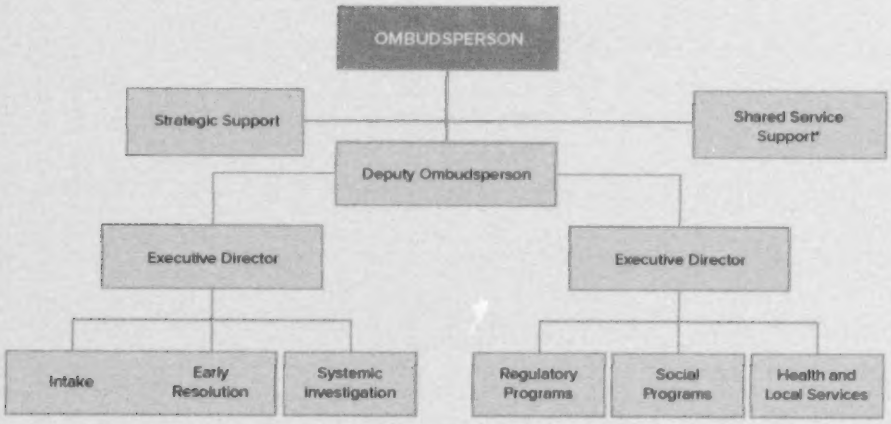
- Integrity, respect, leadership
- Continuous improvement
- High quality service, trusting environment, equality, teamwork

Our Goals

- Ensure administrative fairness
- Provide quality service
- Enhance understanding of the principles of good governance
- Support a workplace of excellence

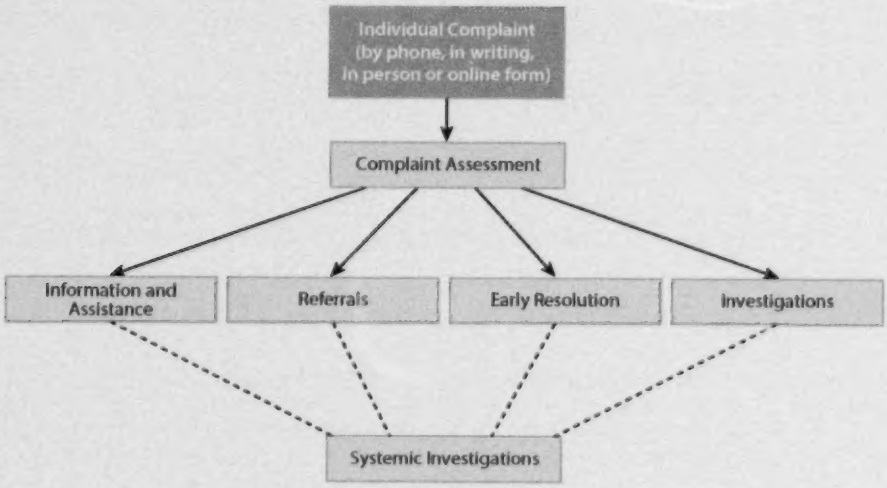
Who We Are

The Ombudsperson is appointed for a six year term by the Legislative Assembly. Ombudsperson officers who investigate complaints and conduct systemic investigations come from a wide variety of professional backgrounds including law, social work and public administration.



* Shared Service Support is a shared resource that provides support to four independent Officers of the Legislature: the Office of the Information and Privacy Commissioner, the Office of the Merit Commissioner, the Office of the Ombudsperson, and the Office of the Police Complaint Commissioner.

How We Assist – Our Process



What is Administrative Unfairness?

Administrative fairness encompasses well-recognized principles of procedural fairness and good administrative practices. These include adequate and appropriate legal authority; functional organization and management structure; necessary and useful policies and procedures; clear and accessible public information; timely access to programs; consistent standards of practice; adequate and appropriate monitoring and enforcement; and timely and appropriate complaint resolution and program evaluation.

What We Can Investigate

Complaints of unfair actions and decisions by:

- Provincial ministries
- Provincial boards, commissions, Crown corporations
- Local governments
- Health authorities
- School boards, colleges, universities
- Self-regulating professions and pension boards of trustees

A full list of authorities can be found in the Schedule of the *Ombudsperson Act*.

What Findings We Can Make

An action/decision/recommendation/omission is:

- Contrary to law
- Unjust, oppressive, improperly discriminatory
- Done pursuant to an unjust, oppressive, or improperly discriminatory law, regulation, direction, guideline or policy
- Based on a mistake of law or fact
- Based on arbitrary, unreasonable, or unfair procedures
- Done for an improper purpose
- Not explained with adequate and appropriate reasons
- Based on irrelevant considerations
- Improper
- Otherwise wrong
- Negligent

What Recommendations We Can Make

- Refer a matter for further consideration
- An act be remedied
- A decision or recommendation be cancelled or changed
- Reasons be given
- A practice, procedure or course of conduct be altered
- An enactment or other rule of law be reconsidered
- Any other step be taken

Our Approach

- Independent
- Impartial
- Consultative
- Resolution oriented

All the inquiries and complaints we receive are tracked, analysed and contribute to our decisions on where we can most usefully conduct a systemic investigation.

Case Summaries

Overview

In the following pages, you will read about some of the administrative unfairness issues that people brought to us in 2013/2014 and how we dealt with them.

People often ask us what we do, who comes to us and what they complain to us about. Government touches all aspects of our lives. The jurisdiction of the Office of the Ombudsperson is wide ranging. Our investigations help people resolve administrative unfairness. This may involve issues ranging from income and community support, to issues affecting homes, business, education and work. The complaints come to us from every region in British Columbia and from people of all ages and backgrounds. Investigations involve complaints about large, well-known authorities as well as more localized or less familiar commissions and boards.

The case summaries in the following pages illustrate a fraction of the early resolutions and investigations we completed last year and help tell a story of what was achieved for individuals. The first few pages are complaints that were resolved through our early resolution process. These complaints are ones that can be resolved more quickly. This year for instance, we heard from someone in the interior who feared missing an important medical appointment as a result of delays in processing her request for travel assistance. We also heard from an 86 year old mother who wanted to make sure that her son would be taken care of but was not hearing back from the Public Guardian and Trustee. Possible changes to handyDART service also prompted an advocate to contact us as she wanted to voice her concerns to TransLink. We were able to put her into contact with someone who would listen to her concerns.

> "A quick note to thank you from the bottom of my heart for going to fight for me. I am truly grateful. You are the best!"
>
> From a thank you note received in 2013/2014

This year, 1,671 investigative files or formal investigations were completed by our ombudsperson officers. Persistence on the part of the investigators resulted in new hearings or re-assessments, access to benefits, apologies, reimbursement of expenses, improved policies or procedures or better explanation of decisions. Examples of these outcomes are found in the case summaries that follow. Public programs impact British Columbians in many ways. We've grouped our case summaries by themes and this year we added an Environment and Natural Resources theme to account for the complaints that come to us that relate to such topics as livestock or hunting among others.

We have changed the names of the people in all our case summaries to protect their confidentiality. In most cases, we have identified the complaint as originating from one of four broad regions: the Lower Mainland which includes Greater Vancouver, the Fraser Valley as far as Hope and the Squamish areas; Vancouver Island/Sunshine Coast which includes the Gulf Islands; Northern B.C. which includes Prince George and everything north of it; and the Interior, which includes everything south of Prince George except the Lower Mainland.

Early Resolutions

The Office of the Ombudsperson's early resolution process has been in place for five years as of September 2013. It deals swiftly and effectively with complaints we believe can be resolved without a formal investigation. Complaints usually involve issues of delay, poor communication, lack of information or the lack of an explanation for a decision or action. These summaries demonstrate the effectiveness of our staff's communications and their ability to persuade public authorities to swiftly take appropriate remedial action. They also highlight the importance of an authority being willing to reconsider a matter.

Will someone please call back?

FRASER HEALTH AUTHORITY

THE LOWER MAINLAND

Bill called in mid April because he had concerns that he had not received a response to his phone message to the Patient Care Quality Office (PCQO). Bill said he and his wife were taking care of his wife's deceased father's partner, Alison, in their home until she broke her hip at the beginning of March and she was now in the hospital.

Bill said that he and his wife wanted to bring Alison home, but the health authority had said that their goal was to have Alison moved into long term care. Bill said the matter was time sensitive and that he really needed to speak with someone at PCQO who could act on his concerns.

We contacted PCQO and subsequently a staff person at PCQO called Bill the same day and told him that an investigation had been started and that they would be following up on his concerns. Bill said he was thankful for our involvement and felt that we got the ball rolling.

Changes to handyDART

TRANSLINK (SOUTH COAST BRITISH COLUMBIA TRANSPORTATION AUTHORITY)

THE LOWER MAINLAND

Val is an advocate for disabled persons who called us on behalf of two women who have disabilities, and who use the handyDART service. Val explained that they were trying to reach a staff person at TransLink, to whom they could express their concerns about changes to the handyDART service. Specifically, Val said that they were concerned about the handyDART service being replaced by taxis. As her friends were both in electric wheelchairs, they were worried that it would be difficult for them to use taxis for transportation. As for the communication difficulties, Val explained she had sent emails to a specific person who had helped her in the past, but the emails had been returned as undeliverable.

We made some enquiries with TransLink to find out who Val could contact about her concerns, and subsequently spoke with a staff person who agreed to send Val an email inviting her to call him. When we followed up with Val, she confirmed that she had received the email, that she would discuss the email with the women she was advocating for, and would be following up with TransLink.

Why the delay?

OFFICE OF THE SUPERINTENDENT OF MOTOR VEHICLES, MINISTRY OF JUSTICE

THE LOWER MAINLAND

Blaine contacted us at the end of April because he was concerned that there was a delay in getting a decision from OSMV regarding his results of the responsible driver program that he attended.

Blaine said that it was his understanding that once he completed the responsible driver program that the results would be forwarded to the OSMV and that it would make a decision regarding his driver's licence. Blaine said that he was told that his results had been forwarded to OSMV at the beginning of March. Blaine was concerned, as it was now the end of April and he had not received a decision. Blaine said that he was unable to start the second phase of the process until he received a decision from OSMV regarding the results of the responsible driver program. Blaine was concerned as this delayed him further in getting his driver's licence back.

We contacted OSMV and inquired about the status of his file. As a result of our call, OSMV advised us that Blaine's file had been reviewed and a decision letter had been mailed to him on May 2. Blaine was appreciative of our assistance.

Getting things done

PUBLIC GUARDIAN AND TRUSTEE

THE LOWER MAINLAND

Sandy called us near the end of November because she was concerned she had not received a call back from a case manager at the Public Guardian and Trustee. Sandy was 86 years old and wanted to ensure that her son would be taken care of. Sandy said her son was in a horrific car accident in 1994, he had been diagnosed with bi-polar and deemed incapable in 2010. Sandy said her son receives a monthly amount from ICBC and there was talk of a buy out in the amount of $140,000. She was hoping to speak with someone in order to get an update on the situation.

We called the PGT the same day and as a result of our call, the case manager and regional manager contacted Sandy the next day. When we followed up with Sandy, she said they had contacted her and said "thanks for putting things in motion". She said she was glad that she called us.

Running out of time

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE INTERIOR

Francis called because she was concerned there was a delay in processing her request for travel assistance for medical appointments. She was worried that she wouldn't have enough time to make travel and hotel arrangements and was afraid that she would not be able to make her appointment times. Francis said that she had asked to speak with a supervisor but had not received a returned call.

We called the supervisor who then contacted Francis that same day and confirmed with her that a cheque had been issued and mailed. Francis called the next day and said "I don't know what you did dear, but thank you, thank you, thank you"!

What's taking so long?

HEALTH INSURANCE BC – MSP

THE LOWER MAINLAND

Akeno contacted us at the end of April because he was concerned about the length of time it was taking to receive a replacement care card for his son. Akeno said he first called Health Insurance BC in mid February and was told the card had been processed on April 3, but that he hadn't received it yet. Akeno was concerned for his son as some medical clinics will refuse new patients who do not have a care card.

We contacted Health Insurance BC the same day to confirm the status of his son's care card. We were advised that the new care card had been processed, however it had not been mailed. As a result of our call, Health Insurance BC couriered Akeno the new care card within a few days and Akeno contacted us to confirm that he had received the care card.

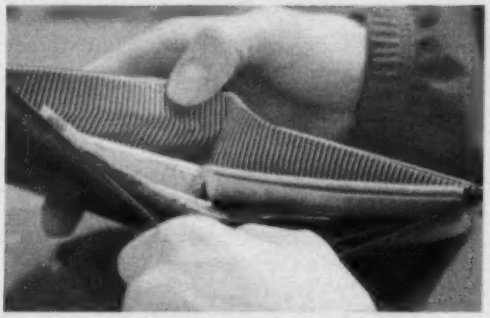
A timely response can resolve concerns

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

VANCOUVER ISLAND / SUNSHINE COAST

Hank was unclear about a decision made by the ministry about his income assistance benefits and so he contacted us. He explained that he stopped receiving child support payments in the summer of 2013. However, he mistakenly did not tell the ministry that he was not receiving the payments. As a result, four of his monthly benefit cheques were reduced.

Hank received reimbursements from the ministry for two of the four months, but was denied the reimbursement for the other two months, and he was unsure why. He was told by a worker he could appeal the decision, but Hank decided he would like to speak to a ministry supervisor first as he hoped it could be resolved more simply and quickly than through an appeal process. Hank explained that the problem with trying to contact a ministry supervisor through 1-866-866-0800



is that while his call was on hold his phone battery might run out. We agreed to make enquiries with the ministry to find out if a supervisor could call Hank. We explained Hank's situation to a ministry supervisor, and the supervisor agreed to call Hank. When we followed up with Hank, he told us that he received the call one day after calling our office. Not only did the supervisor discuss Hank's concerns, but she also resolved the issue of the outstanding reimbursements. Hank was pleased.

> "You guys are very helpful, you know."
>
> From a thank you note sent to us in 2013/2014

Bus pass for senior

BUS PASS PROGRAM, MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

VANCOUVER ISLAND / SUNSHINE COAST

Ninety-two year-old Diane came to us at the beginning of January because she was concerned that she hadn't received a bus pass application in the mail.

She said that when she called the Bus Pass Program in December, she was told that she should receive the application in a couple of weeks. Diane said that she tried calling the Bus Pass Program in January but was unable to get through on the toll free number.

We contacted the Bus Pass Program the same day. The assistant supervisor advised us that as there had been a change in Diane's address, another application was being mailed to her that day.

Concerned about the neighbourhood

AGRICULTURAL LAND COMMISSION

VANCOUVER ISLAND / SUNSHINE COAST

Karl lives on land within the Agricultural Land Reserve. Concerned about some activities he noticed going on in his neighbourhood, Karl decided he wanted to speak to someone at the Agricultural Land Commission Office. Eventually, Karl called our office because he had attempted to speak to an enforcement officer (EO) about his concerns, but was having trouble reaching him.

We contacted the enforcement office and an EO agreed to phone Karl at a specific time of the day. Karl later confirmed that he was able to speak to an EO who listened to him and provided him with some reassuring information.

Investigative Case Summaries – Children and Youth

Care for a brain injured client

COMMUNITY LIVING BC

THE LOWER MAINLAND

Robert and Alice contacted us about their adult daughter, Denise. They explained that Denise had an acquired brain injury and that she was a client of Community Living BC. Alice said they learned over the course of Denise's injury that there were certain types of behaviour typically associated with brain injury and that Denise exhibited some of these behaviours. Alice and Robert told us they had experienced some difficulties with Denise's behaviour that resulted in Community Living BC intervening.

Alice said CLBC had a different view of Denise's behaviours and that it took much longer to resolve the issue because staff didn't have an adequate understanding of the behaviours associated with acquired brain injury. Alice believed that CLBC staff were unwilling to consider if Denise's behaviours were related to her brain injury and were not agreeable to hearing from brain injury experts. Alice had suggested that they contact the local brain injury association regarding information and training but she didn't believe CLBC had followed up on her suggestion. Eventually CLBC agreed to bring in a psychologist with the right expertise and the matter was resolved quickly. Alice remained frustrated because if CLBC staff had been more knowledgeable about the characteristics of brain injured behaviour, they might have resolved the problems much quicker.

Our investigation focused on whether CLBC had taken reasonable steps to provide its staff with resources to assist in working with brain injured clients such as Denise. We met with CLBC staff and discussed the possibility of developing improved resources for staff dealing with brain injured clients. CLBC staff acknowledged that individuals with brain injuries comprised a relatively small percentage of their clients and agreed to review the matter.

As a result, CLBC agreed to take steps to provide education about brain injury to its staff and to create resources for staff to assist them in working with brain injured clients and their families. CLBC arranged for the BC Brain Injury Association to conduct a workshop for its regional staff and agreed to conduct further review of CLBC's resource needs relating to brain injury information.

Getting things moving

MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

VANCOUVER ISLAND / SUNSHINE COAST

When a person has concerns about the processes that the ministry is following, they can contact a ministry complaints specialist and ask for a review of their concerns. Emma made a written request to a complaints specialist in early September and asked for an administrative review of her concerns under the ministry's complaint policy. At the end of October, Emma decided to write to the complaints specialist as she had not had any response to her request for an administrative review. Emma didn't receive a response and decided to contact us.

Under the Child, Family, and Community Service Regulation, the ministry is required to complete an administrative review within 30 days of receipt of the request unless the parties agreed to extend the time limit. As it was clear that the ministry had not requested an extension of the time limit for completing the administrative review given that Emma had not heard from the ministry, we began an investigation of Emma's complaint that the ministry had unreasonably delayed in responding to Emma's request.

The ministry acknowledged that staff had unreasonably delayed in responding to Emma's request and in response to our investigation, the ministry contacted Emma immediately to apologize for the delay and confirmed that the administrative review was now being done.

It's fair to follow through

MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

VANCOUVER ISLAND / SUNSHINE COAST

Walter's son was in the ministry's care and the ministry had restricted Walter's access to his son. Walter was concerned that the ministry hadn't followed a fair process when it investigated allegations that he had assaulted his son. Walter had brought his concern to the ministry's attention and a community services manager (CSM) agreed to conduct a review. After several months, the CSM had still not conducted the review and Walter came to us to complain about the lack of action.

We investigated whether the ministry treated Walter fairly when responding to his concern about the investigation process. The CSM explained she had not reviewed the investigation because she didn't have access to the physical file for several months. During those months however, the CSM had ongoing written communications with Walter, explaining the delay.

Eventually, the CSM did not review the file because she left her position around the same time the physical file was returned to her office. The CSM who filled the position was not aware of Walter's concern until hearing from our office that there was a commitment to review the investigation and respond to Walter. We proposed the new CSM step in where the last CSM left off. The new CSM agreed. She reviewed the investigation file in light of Walter's concern and responded to him in writing. Walter finally got his review as promised.

As it was the ministry which had made a commitment to review the investigation, it had a responsibility to follow through on that commitment.

As it was the ministry which had made a commitment to review the investigation, it had a responsibility to follow through on that commitment.

Investigative Case Summaries – Driving and Transportation

A very expensive mix-up – almost

ICBC

THE LOWER MAINLAND

Anya's car was in an accident. ICBC told her that she didn't have adequate insurance but it would give her full coverage if she paid a penalty. When she was served with notice that she was being sued for the other driver's injuries she tried to pay the penalty but was told the offer was withdrawn. Anya was scared and went to the ICBC Fairness Commissioner for help, but was told it took her too long to accept the offer. She then complained to us that ICBC had given her mixed messages about the penalty offer.

We asked ICBC for all its correspondence with Anya. We read the letter where ICBC initially offered the penalty. The offer clearly had a deadline. It looked like Anya was out of luck. But we also reviewed the emails from the adjuster in charge of Anya's case and he referred to the letter as a formality telling her to ignore the conditions set out in it until they knew more about the other driver's injury. It looked like the adjuster had changed the terms of ICBC's offer. Instead of the specific deadline in the letter, the adjuster changed the deadline to when they learned about the other driver's injury. Anya kept emailing ICBC asking about the driver's injury not realizing the deadline for the penalty offer had passed. We consulted with ICBC, explained that we felt the terms of the offer had been changed and asked if they'd re-open the offer to Anya. ICBC agreed and Anya agreed to the offer, potentially saving her a lot of money and worry.

But I wasn't driving the car...

OFFICE OF THE SUPERINTENDENT OF MOTOR VEHICLES, MINISTRY OF JUSTICE

VANCOUVER ISLAND / SUNSHINE COAST

Erik drove into town to meet a friend and then had too much to drink. He called his wife and asked her to pick him up. She wasn't happy to receive the call and made it clear to Erik that she would drive into town to pick him up, but she wasn't going to rush to get there. Erik's cell phone records confirm the call was made. It was a rainy February night with the temperature hovering around zero so Erik sat in the driver's seat with the engine running. A police officer found him asleep behind the wheel and charged him with impaired driving.

The Court found that he wasn't in care or control of the vehicle when he was found by the police but OSMV still required him to complete the Responsible Driver Program (RDP) and install an interlock device.

We reviewed the court judgment and noted that Erik was a senior who had no prior convictions relating to drinking and driving or any other criminal record. We also noted that the case focused on whether Erik had care and control of the vehicle. The OSMV has the authority under the *Motor Vehicle Act*

to require a person with care or control of a motor vehicle who registers above 0.05 mg/100ml on an approved screening device to participate in the RDP and install the interlock device. Although criminal court proceedings are distinct from administrative driving prohibition procedures, we were interested in the basis for requiring a person to participate in the RDP and install an interlock device when the court was not persuaded that the person in question had care or control of the motor vehicle.

The OSMV considered our questions and reviewed Erik's file. It wrote a letter to Erik stating that he was no longer required to install an ignition interlock device, but that he was still required to complete the RDP.

We proceeded to ask questions about why Erik still had to take the RDP and we requested all information that was considered as basis for the decision to refer Erik to the RDP. The OSMV reviewed Erik's file again taking into consideration that he was found not to be in care or control of the vehicle at the criminal trial.

The OSMV invited Erik to make submissions and, on the basis of those submissions, it cancelled the referral to the RDP. The OSMV said that in similar circumstances in the future, it would consider submissions from the driver.

Following through on a complaint

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE

THE INTERIOR

Donna had concerns about the maintenance and condition of the road where she lived. The partly unpaved road had been deteriorating since the regional district installed a water line several years earlier. Donna had brought her concerns to the attention of ministry staff over the past few years, but she was told the ministry didn't have money to fix the road.

Donna and other residents met with the area roads manager at the ministry in the summer of 2013 to discuss the condition of the road. During the meeting, the manager committed to developing a plan for remediating the damage done to the road and sharing the plan with Donna. After that meeting, Donna followed up several times with the manager about the work plan, but received no response.

We investigated whether the ministry provided an adequate response to the concerns Donna raised about the condition of the road. We contacted the acting area roads manager at the ministry and asked him to review the file. He said the manager who had met with local residents had been away from work for an extended period of time. He informed us that the ministry had set funds aside to start the work required to fix the road. Given that the manager had made a commitment to communicate the plan with Donna, we suggested it would be appropriate for the acting manager to write to Donna. Donna received a letter from the ministry indicating that it had allocated $60,000 to $70,000 in the budget for the contractor to start the work required and it would commence this year as soon as the spring thaw had occurred.

I can see clearly now!

OFFICE OF THE SUPERINTENDENT OF MOTOR VEHICLES, MINISTRY OF JUSTICE

THE NORTH

Mick has a commercial driver's license and he also has diabetes. The Superintendent of Motor Vehicles sent him a letter telling him to get his eyes checked and they would pay for the exam through the Medical Services Plan. They told him that the information he needed was on the form they sent him.

Mick went to an optometrist and got his eyes checked. He paid $160 directly to the optometrist and then sent the receipt to OSMV. Mick called us because he couldn't get OSMV to reimburse him for his eye test that they told him they would pay for. We were told by OSMV that the system in place is that the optometrist bills MSP and they pay the plan. In Mick's case his optometrist billed him privately.

When we looked at the form sent to Mick by OSMV, we understood why Mick hadn't known what to do. We looked at other forms OSMV sends drivers and the physician's form made it clear that private billing would not be reimbursed. We consulted with OSMV about the form and how it contributed to Mick not realizing he wouldn't be reimbursed if he paid the optometrist directly. OSMV agreed to change the form and added a section alerting people that private billings are not reimbursed so that it would be clear in the future.

Since Mick was relying on OSMV to provide him with the information he needed in order to be reimbursed for his eye test, we proposed OSMV reimburse Mick the money he paid and they agreed to pay Mick back the amount they would have paid had the optometrist billed MSP directly. Mick was happy to get $102 back.

OSMV agreed to change the form and added a section alerting people that private billings are not reimbursed so that it would be clear in the future.

Investigative Case Summaries – Education

Interest charges reversed with an apology

REVENUE SERVICES BC

THE INTERIOR

The Ministry of Finance, through Revenue Services BC, collects overdue student loans. Nirmal contacted us with concerns about a student loan debt that Revenue Services BC was collecting. Nirmal believed he'd paid off all of his student loans in 2006 but Revenue Services staff informed him in 2008 that it was sending a student loan debt in his name to a private collection agency. When he got this news he made a number of written requests to Revenue Services asking for details of the loan it was collecting. Nirmal told us he also followed up on these written requests with phone calls but hadn't received any details from Revenue Services about the origins of the debt it said he owed. Nirmal was willing to repay any debt he owed, but he wanted to understand where the debt originated and be sure that he actually owed the money.

It seemed that Nirmal had taken reasonable steps to try to get information about his student loan and we wanted to ensure that Revenue Services BC responded fairly and reasonably to his requests for clarification. The information we received from Revenue Services during our investigation confirmed what Nirmal told us about his attempts to obtain clarification concerning his student loan debt. In early November 2008 he had given the private collection agency documents to show payments he'd made towards his student loan. Those documents were forwarded to Revenue Services BC. Nirmal followed up with a written explanation and requests for information from Revenue Services BC. He did this in November 2008, December 2009, and October 2011. There was no record of any response to these requests for information about the debt. Meanwhile, interest continued to accrue on the debt.

When we enquired about the lack of response to Nirmal's requests for clarification, we were told that the information Nirmal wanted was held by StudentAid BC and that Revenue Services had referred Nirmal to StudentAid BC. StudentAid BC seemed to be the right place to refer Nirmal, but the first evidence of this referral was from October 2011; three years after Nirmal had first requested information about his loan.

Nirmal eventually received the information he was looking for, but there didn't appear to be a reasonable explanation for the delay. We discussed with the ministry steps it might take to address Nirmal's concerns. The ministry agreed and as a result, it recalled all Revenue Services' reports on Nirmal's credit account from the credit bureau, reversed interest charges on his student loan account in the amount of $1,784.87, clarified the accurate amount of loan debt that remained, and apologized to Nirmal. We believed these were reasonable measures to settle Nirmal's complaint.

The ministry agreed and as a result, it recalled all Revenue Services' reports on Nirmal's credit account from the credit bureau, reversed interest charges on his student loan account in the amount of $1,784.87, clarified the accurate amount of loan debt that remained, and apologized to Nirmal.

New decision life altering

STUDENTAID BC

VANCOUVER ISLAND / SUNSHINE COASTS

Rachel and her four children moved into a transition house for women escaping violent or abusive relationships. There, they could access specialized counselling, education and support programs. Rachel went back to school and four years later graduated with a BSC in nursing. Soon, she ran into financial problems. On top of the obligations of raising a family of five, she was paying back a large student loan plus paying a lawyer to help her secure family maintenance from her ex-husband. Rachel had to use credit cards to meet her obligations and went deeper into debt. She couldn't recover and filed for bankruptcy. Her student loan was not extinguished and interest continued to grow on that debt. Following her discharge from bankruptcy, Rachel made regular payments on her student debt and thought the loan was in good standing.

Recent graduates of nursing and other medical professions can have their B.C. student loans forgiven by working at publicly funded facilities in underserved communities in B.C. Publicly available information suggested that Rachel would be eligible for loan forgiveness so she left her nursing job in an urban centre and relocated to a rural community considered underserved. Although StudentAid BC's website and the loan forgiveness application form didn't state bankruptcy would have any bearing on eligibility for the loan forgiveness, her application was denied because she'd declared bankruptcy. In an impassioned letter requesting reconsideration, Rachel explained her family's circumstances, "I'm 52 and I owe $72,000 in student loans. I accrue over $300/month interest on this loan". In a letter to us she said she'd left family and other supports behind in her home community and was now providing an essential service in a community where her position had been difficult to fill. She believed she met all eligibility criteria for loan forgiveness and was bewildered and disappointed when her final attempt to be included in the program was unsuccessful.

We investigated whether StudentAid BC followed a fair process in determining that Rachel was not eligible for loan forgiveness. We reviewed StudentAid BC's file on Rachel's loan and we arranged a meeting to discuss Rachel's complaint. The meeting was postponed at StudentAid BC's request while it obtained legal advice; subsequently StudentAid BC told us they would refer the matter to a committee for reconsideration. The reconsideration resulted in a decision in Rachel's favour.

Rachel received a refund of principal and interest she'd paid for the last year and she'll be eligible for additional loan forgiveness over the next two years. This also improved her eligibility for Federal student loan remission. The total value of the new decision could be more than $50,000 if Rachel continues working in an underserved community and continues meeting other eligibility criteria.

Rachel received a refund of principal and interest she'd paid for the last year and she'll be eligible for additional loan forgiveness over the next two years. The total value of the new decision could be more than $50,000 if Rachel continues working in an underserved community and continues meeting other eligibility criteria.

Uniquely restricted appeal options

KWANTLEN POLYTECHNIC UNIVERSITY

THE LOWER MAINLAND

Pavel wrote to us because he was having problems getting his foreign nursing credentials recognized in B.C. Pavel practiced nursing overseas and wanted to apply his skills here. He enrolled in the Consolidated Clinical Course at Kwantlen Polytechnic University but during his practical experience and training period called preceptorship, his supervisor identified problems with Pavel's practice. Pavel was not permitted to complete the course and was given a grade of non-mastery.

Pavel tried to appeal the grade of non-mastery through Kwantlen, but was told that no appeal option existed within Kwantlen for this course and that his only option was to appeal directly to the College of Registered Nurses of British Columbia (CRNBC). Most courses offered at Kwantlen offer an internal grade appeal option and the course materials provided to Pavel by Kwantlen gave no indication that grades were not appealable through the university. On these bases, Pavel didn't feel he was being treated fairly in being denied an appeal option through Kwantlen.

We contacted Kwantlen and discussed the reasons Pavel could not appeal his grade directly to the university. The Consolidated Clinical Course is unusual in that it takes place in a hospital setting under the supervision of a registered nurse employed by the hospital. The purpose is to provide registrants the opportunity to demonstrate their nursing knowledge, skills and abilities. The CRNBC establishes the course content and the standards students must maintain in order to provide care to patients. In Pavel's case, the hospital and the registered nurse determined, early in the placement, that Pavel's performance had not met the requirements set by the CRNBC. Pavel had not completed the course and could not take the Consolidated Clinical Course again without approval from the CRNBC Registration Committee. It was up to the CRNBC to decide whether to let Pavel try again and if so, on what conditions.

We consulted with Kwantlen and shared our view on the importance of providing students with an opportunity to appeal decisions that may have a profound impact on their future. Ensuring that students are aware of their appeal options, particularly if they are uniquely restricted as was the case in Pavel's circumstances, is equally important. While Kwantlen had shared this information with Pavel prior to the grade of non-mastery being awarded, the course materials that were provided to students at the beginning of the course did not inform students that their appeal options would be restricted in this way.

We suggested that both Kwantlen and Pavel would likely have benefited if information about the implications of receiving a grade of non-mastery and the appeal process was made available to him at the time he started the course. We questioned whether providing this information might have given Pavel and students like him a better understanding of Kwantlen's role in the process and the basis for its decision to refer him back to the CRNBC. Following consultation with our office, Kwantlen agreed to modify the course syllabus to include information about the appeal process. Since Kwantlen had agreed to take this step to improve the process for future students and because Pavel had a way to dispute his grade through the CRNBC, we closed our file.

I can't sign that!

SCHOOL DISTRICT 52

THE NORTH

Sonya has a daughter in elementary school in Prince Rupert. She complained about the language used in a high risk field trip waiver form that she was asked to sign by the school. She expressed concerns about the last part of the waiver, which states that the parent waives all claims "arising out of any cause whatsoever, including negligence." Sonya said that she spoke with the teacher, principal and Superintendent's office about her concerns and was told that the form would not be changed. They referred her to the standard consent/waiver form in the school district's master policy manual, which contained the same language.

We investigated whether the school district followed a reasonable procedure in responding to Sonya's concerns about the language contained in the field trip waiver form. The school district informed us that the entire policy manual was being updated, and this update would include a review of the standard consent/waiver form. Following our consultation with them, the school district agreed to consider Sonya's specific concerns when making the changes.

We noticed that, while some school districts used similar or identical language in their forms, other districts had chosen to remove that language. We also pointed out that recent court decisions raised questions as to the legal effect of the current language being used. We asked whether the district would agree to undertake a revision of the form based on this information in addition to Sonya's concerns. The school district agreed that a revision of the form appeared to be appropriate and that they would consider the language used by other school districts in revising their own form.

The school district agreed that a revision of the form appeared to be appropriate and that they would consider the language used by other school districts in revising their own form.

Investigative Case Summaries – Environment and Natural Resources

Finders keepers – not necessarily

MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE OPERATIONS

THE INTERIOR

Sam was hunting bighorn sheep with a valid license and hunting tag when he came across Rocky Mountain bighorn ram horns. He suspected the ram had probably died of natural causes sometime in the spring. Sam wanted to make sure he was following all hunting regulations, so he left the horns in place until he could find out how he could legally claim the horns.

He visited the local Ministry of Environment office and spoke with a senior biologist. Sam told the biologist what he found and the biologist gave him written permission to recover the horns. Sam was told once he had the horns, he had to return for a compulsory inspection. Sam returned to the bush, collected the horns and brought them to the ministry office for the compulsory inspection as required. Imagine his surprise when the ministry promptly confiscated the horns without any explanation. Sam did not think it was fair that the horns were taken away as he had followed the instructions he was provided, and so he called our office.

We investigated whether the ministry had followed a reasonable process when it permitted Sam to recover the horns and then confiscate them. In the course of our investigation, the biologist told us that he had erred by telling Sam that if he had a valid sheep tag and the horns were of legal size he could keep them. The biologist realized he did not have the authority to give Sam permission to recover the horns and that it was contrary to the *Wildlife Act* and its regulations for Sam to collect them. The biologist realized his mistake sometime after Sam left the office.

When Sam returned with the horns, the biologist told us that he explained to Sam that the horns would have to go to auction if they were worth more than $200. The biologist determined the value of the horns based on the size of the horns and knowledge of past horn auctions. He told us no one is allowed to possess wildlife parts worth more than $200 unless they have been purchased at auction or through a direct purchase agreement with the ministry. The horns Sam recovered were worth well over $200 and so they were confiscated.

The *Wildlife Act* considers that all wildlife belongs to the province unless a person has a permit issued in accordance with the *Wildlife Act* and regulations. The ministry provides information about possession of wildlife and permits in the bi-annual Trapping and Hunting Synopsis which is given to hunters along with the regulations.

Although we determined that the ministry acted in accordance with the *Wildlife Act* and the regulations, the misinformation cost Sam time and gas money. As Sam had followed the ministry's directions, we asked the ministry if they would be willing to apologize to Sam for the error. The ministry agreed and wrote to Sam acknowledging the misinformation given to him, and apologized for the inconvenience that resulted. The ministry also gave Sam the opportunity to purchase the horns directly through a direct purchase agreement at fair market value. Sam declined the offer to buy the horns, but he appreciated the letter and accepted the apology.

Do I live in a livestock district or not?

MINISTRY OF AGRICULTURE

THE INTERIOR

Jasper told us that a neighbour's cattle entered his yard on a number of occasions damaging his property and that he would like this to stop. He knew he didn't live in a Pound District but wasn't sure whether he lived in a Livestock District either. He spoke to a number of people about the cattle trespassing on his property and was eventually directed to the Ministry of Agriculture.

When he contacted the ministry regarding his concerns, Jasper was informed that he should contact the Ministry of Forests, Lands and Natural Resource Operations. When he contacted that ministry, he was advised that he should direct his concerns to the Ministry of Agriculture. He made a complaint to our office instead.

Jasper told us that while he was familiar with much of the *Livestock Act* and its application to individuals living in a Livestock District, he hadn't been able to get a definitive answer as to whether or not he lived in a Livestock District. He believed that the Ministry of Agriculture should be able to answer that question and was not satisfied with the ministry's explanation as to whom his complaint should be properly directed.

We notified the Ministry of Agriculture that we were investigating whether its response to Jasper was reasonable. The ministry told us that it was fairly certain the man lived in a Livestock District and the *Livestock Act* would typically inform its response to inquiries such as his.

As the ministry had not answered Jasper's query, we proposed it provide Jasper with a definitive answer as to whether his property was located within a Livestock District and asked whether it would provide him with a letter with this information. We also asked that the ministry's response identify the source of its determination, such as a map, so that he might verify the information independently.

The ministry agreed and subsequently provided us with copies of its letter to Jasper as well as a Livestock District map which it had attached to the correspondence for his reference. The ministry also offered advice as to what steps he should take to keep the animals out of his yard and offered to provide additional information should Jasper wish to contact the ministry.

As the ministry had not answered Jasper's query, we proposed it provide Jasper with a definitive answer as to whether his property was located within a Livestock District and asked whether it would provide him with a letter with this information. We also asked that the ministry's response identify the source of its determination.

Investigative Case Summaries – Health

Our family needs information

VANCOUVER COASTAL HEALTH AUTHORITY

THE LOWER MAINLAND

Sonia was having difficulty getting information following the tragic death of her sister. She told us her sister had passed away following an accident in a residential care facility. The facility had referred Sonia to Community Care Facilities Licensing for answers to her questions about the steps being taken to review the circumstances of her sister's death. She said her family had contacted Licensing but they weren't given any details about the investigation and they weren't contacted at its conclusion either.

We looked at whether Licensing had proceeded reasonably in responding to the report of Sonia's sister's death. We interviewed Licensing staff and reviewed their files on the matter. The files showed that the facility had notified Licensing about the incident and that Licensing had responded by attending the facility that same day to ensure the appropriate health and safety plans were in place. There was evidence that a licensing officer had then conducted an investigation of the matter and followed up with the facility to ensure they were taking steps to implement the corrective measures identified during the investigation.

Licensing generally investigates in response to complaints from the public or notification from a facility. Licensing confirmed however, that if a family member were to contact Licensing and request to be provided with information at the conclusion of an investigation, its practice was to respond to that request.

The file notes we reviewed indicated that Sonia's sister's son had contacted Licensing a few days after her death at the outset of the investigation. While the details of the conversation between Sonia's family and the licensing officer were unclear, it was clear that they had initiated contact with Licensing and sought information about the steps taken in response to their family member's death. This was information that Licensing had obtained during their investigation and that was important to the family. We raised this in discussion with Licensing and proposed that Licensing write to Sonia and her family and provide information about the investigation and an apology for not having contacted her family at the end of the investigation. Licensing agreed and sent a letter apologizing and providing information about its investigation to Sonia's family.

We proposed that Licensing write to Sonia and her family and provide information about the investigation and an apology for not having contacted her family at the end of the investigation. Licensing agreed.

Travel costs for medical care covered afterall

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE INTERIOR

Rosa lives in a rural community and called us after the ministry refused to assist her with travel costs to see her eye prosthesis specialist in Vancouver. Rosa explained that she has two prosthetic eyes and that every three years she has to see her eye prosthetic specialist to ensure that the prostheses are properly fitted and to address any medical issues arising from the prostheses. She noted that there are no specialists in her region of the province.

Rosa receives disability assistance. She said that for the past ten years the ministry had provided funds for travel to her medical specialist appointments in Vancouver. However, this time she was told the ministry would not help her.

When a person is on disability assistance, he or she has access to extended health benefits, including medical transportation costs. We wondered what had changed to cause the ministry to refuse Rosa's medical transportation request, given that there was a history of the ministry providing assistance, there appeared to be a legitimate medical need and nothing seemed to have changed based on the information available.

We contacted the ministry supervisor responsible for assessing medical transportation requests in the region. We said we were investigating to ensure the ministry followed a reasonable process for assessing Rosa's request for a medical transportation supplement, including whether the ministry took all of the relevant information into consideration.

The supervisor told us that the ministry did not as a rule approve medical transportation for travel to appointments to this type of specialist and that they had assessed the appointment as cosmetic rather than medical. We reviewed the information that Rosa had shared with us and shared previously with the ministry regarding the medical nature of the appointment with the supervisor. He agreed to review the decision making process in Rosa's case.

When we followed up, the supervisor told us that he didn't find sufficient information on the ministry's record and therefore had asked his staff to call the specialist and get additional information about the purpose of Rosa's appointment. He told us that the ministry had learned that because there are changes to bone and tissue in these kinds of cases, and medical problems can arise as a result, it is necessary to refit the prostheses every three to five years. He said that based on the information the specialist provided, the ministry changed its decision and approved Rosa's request for medical transportation assistance.

We called Rosa and informed her that the ministry had changed its decision and her medical transportation request was approved.

Due course must be followed

REVENUE SERVICES BC

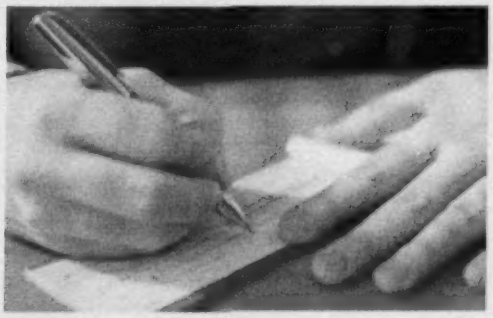
VANCOUVER ISLAND / SUNSHINE COAST

Scott contacted us after making a number of unsuccessful attempts to get information about his Medical Services Plan premium account. The account was overdue and a private collection agency was looking for payment.

Scott told us that an account was set up for him a few years ago after he ceased to be a dependent on his parent's account. Shortly afterward he had paid $1,000 to the plan and it wasn't clear to him whether this was applied to the account. Furthermore, his income was modest and he thought he was eligible for premium assistance. He had sent tax records to Health Insurance BC, but it wasn't clear to Scott whether any premium subsidy had been approved or applied to his account. Scott said he had been unable to get clear information about how his premium debt had been calculated.

We investigated to assess whether Revenue Services BC had responded reasonably to Scott's requests for clarification regarding his account. Revenue Services provided us with information that explained how Scott's premium debt was calculated and what premium subsidies had been applied. Revenue Services had provided Scott with an account statement in July 2012, however, when we reviewed the account statement we questioned whether it provided adequate information about the adjustments that had been made and the calculation of the debt.

We discussed the account statement information with the Ministry of Finance and asked the ministry to review the history of Scott's account and the information that had been provided to him.



In the course of that review, the ministry noted that Scott hadn't been given proper notification before his account was sent to a private collection agency. The ministry responded by recalling his account from the collection agency back to Revenue Services to continue the regular billing process.

Following further consultation, the ministry also agreed to send Scott a detailed account breakdown and an accompanying letter explaining the history of the account and the adjustments that were taken in response to the financial information Scott had submitted. The ministry also provided Scott with a direct contact at Revenue Services for any further enquiries he might have.

We discussed the account statement information with the Ministry of Finance and asked the ministry to review the history of Scott's account and the information that had been provided to him. In the course of that review, the ministry noted that Scott hadn't been given proper notification before his account was sent to a private collection agency.

Being informed allows for a better decision

COLLEGE OF TRADITIONAL CHINESE MEDICINE PRACTITIONERS & ACUPUNCTURISTS OF BC

VANCOUVER ISLAND / SUNSHINE COAST

Geraldine was worried and thought the College of Traditional Chinese Medicine Practitioners and Acupuncturists of BC had contributed to the problem. She'd received acupuncture treatments from a man and his communications had become inappropriate. When Geraldine contacted the College to complain, she learned the man who had been treating her wasn't registered with the College.

In British Columbia, acupuncture may only be performed by a registrant of the College. The College invited Geraldine to submit information to support a complaint about the man's unauthorized practice. Shortly after Geraldine submitted a complaint, she received a letter from the College advising that her complaint had been forwarded to the man. At about the same time, Geraldine started receiving email and phone calls from the man. The tone of the communication had changed and Geraldine felt threatened. The College directed the man not to contact Geraldine, but he paid no attention. A discipline hearing was held and the College determined the man had engaged in the unauthorized practice of acupuncture. Fines of more than $10,000 were imposed. The man continued to communicate with Geraldine. The police contacted him and traced his e-mail to another continent but Geraldine remained uneasy.

When she contacted us, she was concerned that the College had released her complaint to the man. She felt the College should have kept her identity from him. We investigated whether a reasonable procedure was followed by the CTCMA in response to Geraldine's complaint. The College maintained that the rules of procedural fairness required that the man be fully informed of the case against him and this meant disclosing the complaint and identity of the complainant. The College advised that it had a statutory and common law duty to be transparent in its process and there was no way it could have proceeded with the investigation and prosecution of the disciplinary citation without disclosing Geraldine's full complaint submission to the man.

We questioned whether Geraldine should have been informed in advance that her complaint would be forwarded to the man. We looked at the information available to complainants on the College's website and noted that information about the complaints process didn't specify that the complaint would be disclosed to the respondent. We looked at websites of other governing bodies of professional associations and determined that some stated specifically that all information concerning the complaint would be forwarded to the respondent. We forwarded examples to the College and proposed that it amend its complaint information to include similar information. The College agreed and made the changes we proposed.

The College agreed and made the changes we proposed.

Investigative Case Summaries – Home

Will someone explain why this is necessary?

MINISTRY OF ENERGY AND MINES

VANCOUVER ISLAND / SUNSHINE COAST

Paul called us with a complaint about LiveSmart BC. He told us he contacted LiveSmart BC's Efficiency Incentive program to request reimbursements to energy use-related upgrades he made to his rural home. LiveSmart responded by telling Paul his upgrades weren't eligible as he hadn't obtained an initial energy evaluation prior to completing the upgrades.

Paul wasn't satisfied with LiveSmart's explanation to why an initial energy evaluation needed to have been performed in order for his upgrades to qualify for reimbursement. He said it was harder for people in rural areas to get an evaluation done. He brought a complaint to us.

We investigated to make sure LiveSmart had responded fairly to Paul and discussed the requirement for an initial evaluation with LiveSmart. We determined that LiveSmart had established the energy assessment as a requirement for consideration of eligibility. We were satisfied that the energy assessment served a reasonable purpose to ensure LiveSmart was funding appropriate energy related upgrades because:

- energy assessments are identified as a criteria for the LiveSmart BC program in the Terms and Conditions on LiveSmart BC's website
- energy assessments are used by LiveSmart BC program staff to evaluate the upgrades that have, in fact, been made
- energy assessments are used by LiveSmart BC program staff to measure the effect of the upgrades with respect to energy efficiency
- the measured increases in energy efficiency are used to determine the product eligibility and the amount of rebate to the homeowner

We were satisfied that Paul's application for reimbursement was appropriately addressed by LiveSmart BC. We also believed that Paul would be in a better position to understand why his request had been denied if he received a more elaborate response from LiveSmart. We asked LiveSmart BC to provide Paul with detailed information in a letter, which they agreed to do. After receiving that letter, Paul confirmed that he understood why the initial assessment was necessary and why homeowners all over the province need to obtain one before applying for a reimbursement for upgrades.

When a house is a home but what about your RV?

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE INTERIOR

Celeste was receiving disability assistance from the ministry. She was excited when an opportunity came for her to move out of her recreational vehicle and into a nearby house that she could rent. However, after Celeste moved into the house, the ministry no longer considered her RV her residence, and instead considered it to be an asset that affected her eligibility for assistance. Celeste was worried that the value of the RV exceeded the amount ministry clients are allowed to have in assets and might affect her eligibility.

Celeste explained to the ministry that she was trying to sell the RV, but it was hard to sell in the middle of winter and she hadn't had any success so far. The ministry told her that it needed to make sure that she was trying to sell the RV for a reasonable price and asked Celeste to bring in a fair market assessment of her RV from an RV dealership. Celeste explained that the nearest RV dealership was over two hours away and that she needed her assistance cheque to pay for gas for that trip. She also said her RV was buried in snow and she couldn't get it out to take for an assessment. She had photos that she could use if she could get to the RV dealership but she still required her cheque to cover the costs for the trip. The ministry refused Celeste's request and told her that it would withhold her disability assistance cheque until she brought in the assessment. Celeste felt this was unfair so she contacted us.

We began an investigation into the fairness of the ministry's actions. After discussions, the ministry said that if Celeste could demonstrate that she was taking reasonable steps to sell the RV, then it could and would waive the RV as an asset in excess for a period of time. The ministry then said that because Celeste was receiving disability assistance, she might be able to convert the RV into a trust. The ministry agreed to explain both these options to Celeste and to release her cheque for the month.

One more month

BC HYDRO AND POWER AUTHORITY

THE LOWER MAINLAND

Pal worked out a deal with a friend that allowed the friend to share Pal's residence as long as the friend payed the monthly hydro charge, even though the hydro account was in Pal's name. Pal's friend ended up being less reliable than he'd hoped.

Pal found out after several months that his friend was not paying the hydro bill, which as a result had ballooned into a large outstanding balance that he couldn't pay off right away. Pal was living on disability assistance income. BC Hydro issued a disconnection notice and were not willing to allow Pal to pay off the debt gradually through a repayment agreement because Pal had difficulty following through on such agreements in the past.

Pal informed BC Hydro that a relative who had passed away a year ago had left him some money, which he was due to receive in the middle of the following month. He told BC Hydro that he would be able to pay off the full amount outstanding, if they could delay disconnecting his power for a month. However, BC Hydro was unwilling to do so.

We investigated whether BC Hydro had followed a reasonable procedure in deciding not to delay taking enforcement action. In response to our investigation, BC Hydro reviewed Pal's situation. They indicated that while he didn't have sufficient credit history for them to offer him a repayment agreement, they had no reason to believe he wouldn't receive the inheritance that he claimed to be due which would allow him to repay the full outstanding balance. BC Hydro agreed to delay taking enforcement action until the end of the following month.

Apology for an administrative error

RESIDENTIAL TENANCY BRANCH

VANCOUVER ISLAND / SUNSHINE COAST

Jay applied to the Residential Tenancy Branch (RTB) for dispute resolution to have his security deposit returned by his former landlord. He also applied to have the landlord reimburse him the filing fee. Jay served his former landlord with the Hearing Documents by registered mail and sent a fax to the RTB with a registered mail receipt from Canada Post as proof of service.

A hearing was held by teleconference. Jay attended the hearing but the landlord did not. The arbitrator said he was unable to locate any of the documentation Jay had faxed. As a result, the arbitrator dismissed Jay's claim because he wasn't satisfied that the landlord received proper notice of the hearing.

When Jay received the written decision, he noted that the arbitrator had identified him as the landlord and his landlord as the tenant. Jay was also concerned that the arbitrator had failed to locate his evidence that the landlord had been served with the hearing documents so he simply dismissed his application. Jay believed it was unfair that the hearing was dismissed.

We contacted the RTB and alerted them to the possibility of an error on their part.

The Branch agreed to review Jay's file, however they were unable to locate a copy of the fax Jay had sent as proof of service of the hearing package. Since their records didn't show that Jay's fax was received and the arbitrator only considers the evidence before him, the RTB's view was that it was appropriate that Jay's application was dismissed with leave to reapply.

Jay provided us with a copy of confirmation of his fax to the RTB. The confirmation confirmed the date, time and fax number. We sent a copy to the RTB. In response, the Branch again reviewed its file and again informed us that it had no record of receiving Jay's fax. The Branch said the standard procedure it follows is to enter faxes into the computer and the fax goes directly on the file.

In response to our query, the Branch indicated that it didn't have problems with missing faxes and could not explain what happened in Jay's case.

Given the fax confirmation that we provided, the Branch agreed to write a letter of apology to Jay and offer to waive the filing fee if Jay wanted to reapply for a new hearing. Jay was satisfied with this outcome.

Given the fax confirmation that we provided, the Branch agreed to write a letter of apology to Jay and offer to waive the filing fee if Jay wanted to reapply for a new hearing. Jay was satisfied with this outcome.

Our family needs a place to call home

CAPITAL REGION HOUSING CORPORATION, CAPITAL REGIONAL DISTRICT

VANCOUVER ISLAND / SUNSHINE COAST

Maria and her two children had to move because their home was being demolished. Maria applied for subsidized housing through BC Housing, but nothing suitable to her was available where she lived. The family moved in with Maria's mother, but the arrangement was not ideal. She submitted a supplemental application requesting her file be given priority ahead of other applicants. After several months of waiting there was still no indication from the Capital Region Housing Corporation (CRHC) that she was any nearer to the top of the list. Maria asked several times for an explanation as to why she hadn't been offered a subsidized housing unit before she complained to us.

BC Housing manages a database of housing applicants which is accessed by the CRHC when its rental units become available. BC Housing determines the appropriate number of bedrooms and other unit features required by the applicant as well as the category of need or priority. The CRHC uses the registry information to identify prospective tenants, but it's not bound by any assessment done by BC Housing.

The CRHC provided records that showed while Maria had been given information about the status of her application; it was unclear that her specific questions about her supplemental application had been responded to. After meeting with us, CRHC provided Maria with a written response to her questions.

This individual case however, suggested there were broader matters that still needed to be explored so our investigation continued. The CRHC provided documents to show it was using relevant criteria in the selection process; nevertheless, there seemed to be a lack of current policy to guide the decision making process and ensure consistent application of the selection criteria. We also questioned whether there was adequate publicly available information about the factors considered by the CRHC when deciding to grant subsidized housing.

In response to our proposal to settle these matters, the CRHC wrote: *We value transparency, fairness and public accountability at CRHC and are committed to introduce your recommendations into practice.*

The CRHC was in the process of undertaking a comprehensive review of its policies and it committed to ensuring that information regarding the subsidized housing selection process, including a list of factors considered by the decision maker when granting housing, would be made available to applicants and the public in printed format and on their website. CRHC also identified a single individual who would be responsible for responding to questions regarding the status of their applications.

This individual case however, suggested there were broader matters that still needed to be explored so our investigation continued.

Past deadline

LAND TITLE AND SURVEY AUTHORITY

VANCOUVER ISLAND / SUNSHINE COAST

Jason contacted us out of frustration after the Land Title Survey Authority (LTSA) didn't respond to his lawyer's correspondence regarding the registration of a re-survey of his property.

Jason said his family wanted to sell the property but he couldn't complete the sale until an issue about the size of the property was resolved. Jason and his lawyer had been dealing with the LTSA in an attempt to resolve this issue for two years. The LTSA had provided Jason with its opinion about the location of a boundary on his property in October 2012 and Jason's lawyer had responded in January 2013 setting out his views of the matter. After five months with no response from the LTSA, Jason called us.

We investigated whether there was unreasonable delay in responding to Jason's lawyer. The LTSA reviewed the file with us and told us that they had spoken to Jason's lawyer between February and April. Over the next two months LTSA staff had to conduct research to respond to the argument set out in the lawyer's January 2013 letter. The LTSA sought advice from their legal counsel and discussed their conclusions with Jason's lawyer and explained what they believed to be the effects of the original and subsequent Crown grants on the property. They also met with the Ministry of Forests, Lands and Natural Resource Operations.

We were satisfied that the delay had been reasonable, but it seemed that a written response to Jason's lawyer was now possible and appropriate. We discussed with the LTSA whether it would provide a written response to Jason's lawyer. In response, the Deputy Surveyor General at the LTSA wrote acknowledging the lawyer's letter, confirming that they had considered the views expressed in the January 2013 letter and recommended that Jason and his lawyer discuss possible resolutions directly with the Ministry of Forests, Lands and Natural Resource Operations.

Investigative Case Summaries – Income and Community Support

Persistence leads to reimbursement for four years of underpayment

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE INTERIOR

Fraser had been receiving income assistance for person with disabilities for the past four years. A couple months earlier, Fraser's advocate noticed the amount Fraser was receiving seemed lower than it should have been. When Fraser talked to the ministry, the ministry agreed to increase the amount of assistance he would receive each month. The ministry didn't, however, give Fraser any retroactive payments for assistance Fraser thought he should have received in the past. Fraser thought this was unfair and said the ministry didn't give him any reasons for its decision and didn't tell him about any appeal options.

When Fraser contacted us with his complaint, we decided to investigate whether the ministry had followed a fair procedure in assessing the amount of assistance Fraser had been eligible to receive. During our investigation, we spoke with the ministry about Fraser's complaint and reviewed the ministry's records.

When we reviewed the ministry's file notes, we discovered that a ministry worker had reviewed Fraser's file but didn't tell Fraser the outcome of the review. The worker had decided that the ministry hadn't made any errors in calculating Fraser's past assistance and that the ministry therefore didn't have to compensate Fraser with any retroactive payments. Because the ministry never told Fraser about this decision, Fraser also didn't know that he had a statutory right to appeal the decision. We therefore consulted with the ministry, and the ministry agreed to discuss with its staff the importance of communicating decisions to its clients and informing clients about their right to request reconsideration of ministry decisions that affect their assistance.

As we still had questions about how the ministry had calculated Fraser's assistance, we reviewed the ministry's records further. The records showed that at the time that Fraser applied for assistance four years earlier, he had submitted several documents related to his shelter costs, including a house insurance premium. Even though house insurance premiums are allowable shelter costs that the ministry includes when issuing assistance, the file notes showed that the ministry had not included Fraser's house insurance premium in calculating his disability assistance. We discovered that Fraser had therefore not received the full amount of assistance that he had been eligible to receive for the past four years.

While we were investigating Fraser's complaint, the ministry told Fraser that it had made an error in calculating his assistance, but that it could only compensate him for errors that had occurred in the past 12 calendar months. The ministry gave Fraser a cheque reimbursing him for its most recent underpayments and then told Fraser that he could request reconsideration if he wanted to dispute that decision.

As the records showed that the ministry's underpayments occurred for four years and not only for the past 12 months, it remained unclear to us how the ministry was following a fair procedure in these circumstances. We spoke with the regional office which confirmed that the ministry can reimburse a

client for underpayments beyond the most recent 12 calendar months, with the approval from a ministry assistant deputy minister.

As a result of our investigation, the ministry agreed to conduct a review of Fraser's entire assistance file. Once the review was completed, the ministry told us that there had been several underpayment errors on Fraser's file over the past four years. The ministry also said that it had recently implemented a new computer system, which provided staff with new tools and many of the errors that occurred on Fraser's file shouldn't occur again.

After reviewing Fraser's file, the ministry calculated its total underpayment to Fraser over four years to be $4,620.22. The ministry issued a cheque compensating Fraser with the full amount of the underpayment. Only then were we finally satisfied that Fraser's complaint was fairly resolved.

A last resort

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE LOWER MAINLAND

Alana fled her home in a hurry. She had been threatened with violence and police told her to stay away. Fearing for her safety, Alana left without taking anything with her including most of her assistance money. After arriving at her friend's in a nearby town, she went to the local ministry office for help. Staff offered money for a hotel, but only for a few nights and a food voucher but said the maximum crisis funding for food was $20. Alana would have to wait a month for another regular assistance cheque. She didn't know how she'd feed herself. She called us.

Alana told us she only had the clothes on her back. She said she'd explained her situation to the ministry but no help was offered for clothing. We looked at whether the ministry had unreasonably delayed assessing her emergency needs. We contacted a supervisor who confirmed our understanding was correct and that a decision should have been made regarding whether Alana was eligible for a clothing crisis supplement. We asked the supervisor to call Alana to discuss a clothing crisis supplement. As well, the supervisor agreed to inform Alana she could request another food crisis supplement as of the first of the new month which was the next business day.

We followed up with Alana, who confirmed that ministry staff contacted her and offered a $100 clothing supplement. She also said the ministry told her it could help her with rent. She told us she'd be okay for now and was aware that she could request an additional crisis grant for food if necessary.

Help for a family

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE NORTH

Peter contacted us because the ministry was withholding his monthly income assistance cheque. He told us he had a family of four and didn't have money for food. He said that ministry staff had asked him for documents related to income from previous jobs, but he believed that he had submitted everything he had been asked for and no one was returning his calls.

We contacted a supervisor and explained we were investigating whether there was an unreasonable delay in releasing a cheque to the family. The supervisor reviewed the file records with us. She explained that Peter's continuing eligibility was under review due to allegations received about undisclosed employment and other income, as well as discrepancies in some of the information he had submitted. A ministry investigative officer had met with Peter to request documents. Some of the documents Peter presented led to requests for additional clarification. As some of the requested documents hadn't been received, the ministry notified Peter by mail about which documents were still outstanding. Because the documents were related to his current eligibility, the ministry also advised that the next cheque would be held until the documents were submitted.

The supervisor agreed to review the situation and, after doing so, informed us that the investigative officer had contacted Peter again and was treating the file as a priority. She was also prepared to review the documents as soon as they were received. Peter subsequently told us that he now understood what was required and would send the information to the ministry. The supervisor later informed us that the documents were submitted and Peter's cheque was released.

And the power's back on!

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE INTERIOR

Janet's hydro had been disconnected. She complained to us because she was worried that the ministry had denied her request for a crisis supplement because the hydro bill was not in her name. She explained that she and her children had been without power for three days.

We investigated how the ministry had responded to Janet's request for assistance with her hydro bill. The manager of community relations and service quality who we spoke with told us that Janet's request for a crisis supplement would be considered if Janet submitted a bank statement and transferred the hydro bill into her name. In response to our investigation, the ministry contacted Janet that day and her power was also re-connected that same day.

Preventative Ombudsmanship results in new policy, new procedure for income assistance recipients

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE INTERIOR

Basil receives income assistance. In 2003, the ministry decided that Basil's income assistance file would be administered by a third party because it had experienced some difficulties in dealing with Basil. This meant Basil was prohibited from attending any ministry offices and from contacting the ministry by telephone. The ministry referred Basil to a third party administrator who would communicate with the ministry on Basil's behalf. After a while, Basil started receiving income from another source and, for a period of time, he didn't need income assistance. When Basil later reapplied for income assistance, the ministry revived its old third party administration decision and continued to prohibit him from contacting the ministry directly. Basil felt this was unfair.

One day, Basil was in a crisis situation and needed urgent assistance or he would lose his shelter. The ministry told Basil's advocate that it would give him a crisis supplement, but several days passed and Basil did not receive any assistance from the ministry. Basil wasn't able to contact the ministry directly to discuss his crisis situation, so he contacted us for help.

We investigated whether the ministry was following a fair procedure in requiring Basil's funds be administered by a third party and prohibiting his direct access to the ministry. During our investigation, we determined that the ministry had imposed a lifetime prohibition on Basil's contact with the ministry. Although ministry policy and the region's best practice guide required that a supervisor should conduct annual reviews on clients' contact prohibitions, the ministry in this case was not complying with its own policy and no longer reviewing Basil's prohibition.

As clients depend on the ministry for services such as income assistance, crisis supplements and health supplements, third party administration decisions affect the ministry's delivery of essential funding for its clients' basic needs. In Basil's case, for example, he was in a crisis situation requiring a shelter supplement, but he was prohibited from contacting the ministry directly to inquire into the reasons for that decision or to request other assistance.

As third party administration decisions may have a significant impact on clients' abilities to access ministry services for essential needs, the ministry's policy and the Region's Best Practices raised a number of questions for us about whether they ensured that the ministry was following basic principles of administrative fairness.

We entered into discussions with the ministry about the administrative fairness principles applied to the third party administration program. In response, the ministry agreed to review its policy and undertook a major revision to address the fairness issues raised by Basil's and other complaints to our office. The ministry provided us with a copy of its draft policy and we consulted with the ministry to ensure that the policy addressed the issues that were raised in those complaints. The ministry implemented its new policy and procedures for third party administration on December 9, 2013.

The new policy includes criteria for when ministry workers should consider making third party administration decisions. The policy also requires the ministry to notify a client in writing of the reasons for a third party administration decision. Furthermore, the policy clarified that there will not be lifetime bans.

In Basil's case, the ministry reviewed its third party administration decision and lifted all restrictions to Basil's access to the ministry.

The ministry also gave Basil assistance to address his crisis shelter situation and sent him a letter apologizing for its delay.

The ministry agreed to review its policy and undertook a major revision to address the fairness issues raised by Basil's and other complaints to our office. The ministry provided us with a copy of its draft policy and we consulted with the ministry to ensure that the policy addressed the issues that were raised in those complaints. The ministry implemented its new policy and procedures for third party administration on December 2013.

Training supports from Work BC afterall

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

VANCOUVER ISLAND / SUNSHINE COAST

Monica had been working for over 30 years but couldn't do the same kind of work any longer because of a disability. When her employment insurance payments ended, she went to the ministry where staff referred her to a Work BC Employment Service Centre, contracted by the ministry, to help her get the training she needed to change careers.

Monica said staff at the Employment Service Centre advised her how to proceed and that she believed she did everything she was told to do. She contacted us with a complaint about a vocational rehabilitation specialist at the Employment Service Centre. She said that by following the instructions she received, she had suffered financially and was no further ahead.

Monica explained she completed the prerequisites for a course on the advice of the specialist, only to discover after the fact that she wasn't eligible to enroll. She said that the specialist hadn't registered her in courses as he had claimed. He hadn't ensured that she had the prerequisites for other courses and so she couldn't enroll. She said the specialist had delayed her access to training and encouraged her to apply for income assistance. Monica said by relying on the specialist's advice, after almost one year, she still hadn't received any training and that her financial situation worsened as a result of following the specialist's advice.

When she found a program she was qualified for and wanted to register, she contacted the Employment Service Centre, but said they refused to fund any training until she was able to demonstrate that she could be financially stable for at least 60 days. She thought this was unfair because she believed the Employment Service Centre had contributed to her financial instability.

We notified the ministry of our investigation as the ministry contracts with the Employment Service Centre to help people like Monica find work. We wanted to ensure the ministry followed a reasonable procedure in providing career and training support services through the Employment Service Centre to Monica. We reviewed the ministry's goals in referring clients to the Employment Service Centre and the Centre's mandate. We discussed Monica's concerns in detail with staff at the ministry and asked the ministry to review the file with the Centre.

The Centre acknowledged to the ministry that Monica's concerns about the events that led to her being in debt were legitimate. The specialist in question was no longer employed at the Centre and some

information was not able to be verified. However, based on the information provided, the Centre apologized to Monica for the financial hardship she experienced. It agreed to assist Monica by repaying a debt of $3,134 that she had incurred from the ministry in the form of repayable hardship assistance while she was a client of the Centre. Repayment of the debt meant she became eligible to receive funding for the college program that she believed would lead to employment. The Centre provided Maria with full training supports, including moving expenses and a damage deposit so Monica could relocate into more affordable housing, tuition and a living allowance. We considered these steps to resolve Monica's complaint.

Accounting errors fixed for a single parent

FAMILY MAINTENANCE ENFORCEMENT PROGRAM, MINISTRY OF JUSTICE

VANCOUVER ISLAND / SUNSHINE COAST

Laura was receiving child support, which was administered through the Family Maintenance Enforcement Program. She complained about collection and accounting errors that FMEP made on her account in relation to special expenses. When she raised her concerns with FMEP they took steps to address them. However, in doing so, she said that they made additional accounting mistakes. Laura was particularly concerned that they entered post-secondary expenses late on the account.

We investigated whether FMEP followed a reasonable procedure in responding to Laura's concerns about the collection and accounting of court ordered special expenses. We pointed out to FMEP that some of the expenses were entered on the account ten months after the court order and asked FMEP to review the file. As a result, FMEP recognized that some of the expenses were entered on the wrong dates and that adversely affected Laura.

We suggested that FMEP could adjust the account so that the expenses showed on the date as contained in the court order, rather than the date that the order was entered, Laura would then receive interest on those expenses for that period. FMEP agreed and adjusted Laura's account to reflect the amounts and dates for special expenses just as the court had previously ordered. They also gave Laura a correct and updated account statement showing the revised records.

Unfair demands: ministry revises policy

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE INTERIOR

Sometimes ministries ask people to provide certain documents in order to qualify for benefits or services when in fact there are alternate methods of establishing the necessary facts and no legal requirement to obtain or produce the requested documents. Gretchen's local income assistance office wouldn't release her family's income assistance cheque because she hadn't provided a birth certificate for her young child. Gretchen had confirmed with the Vital Statistics Agency that the birth of her son Jack was registered, which was required by law. Gretchen, however, for personal reasons didn't want to get a birth certificate for him, which was optional under the law. Gretchen had provided the local income assistance office with other evidence of her son's identity, such as statements from witnesses and a doctor who attended the birth. While it didn't doubt that Jack was Gretchen's son, the local income assistance office wanted Gretchen to provide a birth certificate and wouldn't release her cheque until she did.

At reconsideration, the ministry upheld the local income assistance office's decision. Gretchen appealed the decision to the Employment and Assistance Appeal Tribunal. In its decision, the Tribunal acknowledged that Gretchen had submitted records as alternate proof of her child's identity, but denied her appeal because she failed to supply the "required document" a birth certificate for her child.

After she received the Tribunal's decision, Gretchen applied for income assistance again. This time Gretchen provided the ministry with more information about her son's identity, including an unsigned application for a BC birth certificate with an attachment stating that she was submitting the application under duress. The local income assistance office then sent Gretchen's application to the Vital Statistics Agency and gave Gretchen her income assistance cheques.

We investigated whether the ministry was following a fair procedure in directing Gretchen to provide a birth certificate after she had already submitted proof of her child's identification.

When we spoke with the local income assistance office about Gretchen's complaint, it informed us that Gretchen was required to provide a birth certificate for her son in order to receive income assistance. As we were unable to identify any legal requirement for Gretchen to supply the ministry with a birth certificate, however, we contacted the ministry's regional office. The regional office cited the *Employment and Assistance Regulation*, which stated that a recipient must provide proof of identity of all members of a family unit. Although the ministry's policy listed specific types of identification, the *Regulation* did not place any limitations on the proof of identification the ministry would accept.

The regional office also cited Section 10 of the *Employment and Assistance Act*, as its authority to direct Gretchen to provide a birth certificate. Section 10 of the *Act* authorized the ministry to direct a recipient of income assistance to supply information in the manner specified by the ministry, and to direct a recipient to supply verification of any information submitted. As neither the *Act* nor the *Employment and Assistance Regulation* required a recipient to provide a birth certificate, however, we continued to have questions about the process the ministry was following in withholding Gretchen's cheque.

As the regional office didn't provide a helpful response to our investigation, we contacted senior ministry staff. During our discussions with them, we pointed out that Gretchen's complaint raised questions for us about how ministry staff was using Section 10 of the *Act*.

We had questions about the fairness of the ministry withholding income assistance or finding a recipient ineligible for assistance, after providing the ministry with an explanation of the inaccessibility or non-existence of the requested documents. In Gretchen's case, the ministry didn't have questions about the identity of her child and about Gretchen's financial eligibility for assistance.

As there was good reason to question whether the birth certificate was required and necessary, we proposed the ministry undertake a review of its policy and procedures related to its identification requirements and how ministry staff applies Section 10 of the *Act*. In consultation with our office, the ministry agreed to revise its policy and procedures and to create a section on its public Online Resource website addressing the fairness concerns that arose in Gretchen's case. The ministry also agreed to write a letter to Gretchen apologizing for how it applied Section 10 of the *Act* in her case and for how she was treated by ministry staff in the local income assistance office.

In consultation with our office, the ministry agreed to revise its policy and procedures and to create a section on its public Online Resource website addressing the fairness concerns that arose in Gretchen's case. The ministry also agreed to write a letter to Gretchen apologizing for how it applied Section 10 of the *Act* in her case and for how she was treated by ministry staff in the local income assistance office.

Delay resolved

MINISTRY OF SOCIAL DEVELOPMENT AND SOCIAL INNOVATION

THE INTERIOR

Javier called us because he was concerned about having to wait to get an assessment to determine his eligibility for income assistance. Javier had a confirmed job in Alberta beginning in early January and he needed money to travel to Alberta to accept the job. The ministry said his application wouldn't be processed until mid-January.

We investigated whether the ministry unreasonably delayed assessing Javier's eligibility for assistance. We contacted the manager of community relations and services quality and had several discussions. Ministry staff had tried to reach Javier by phone but they were unable to reach him. In response to our investigation, the manager had ministry staff contact Javier. Javier had an intake interview promptly and was issued hardship assistance.

In response to our investigation, the manager had ministry staff contact Javier. Javier had an intake interview promptly and was issued hardship assistance.

Investigative Case Summaries – Local Government

Just give me a chance

CITY OF MERRITT

THE NORTH

Pam lived in the United States and owned a residential property in Merritt that she rented out.

The city inspected Pam's property and then sent her a bylaw compliance order directing that she clean it up because it had become unsightly. The city's notice was sent by registered mail to Pam's US address and it set a ten day deadline for the cleanup work to be completed. Pam, however, didn't receive the notice until the deadline day. She called the city the same day only to learn the cleanup work had already been done. She was told she would be billed for the costs plus penalties. Shortly after, Pam travelled to Merritt and spoke with bylaw enforcement officials about her situation. She asked the city to contact her by e-mail if there were any similar problems in the future and to allow her enough time to arrange the cleanup work herself.

About six months later, the city inspected Pam's property again and sent her another bylaw compliance order by registered mail to her US address. This second order was similar to the first, except this time the city set a 15 day compliance deadline. Despite the longer deadline, Pam explained she still didn't receive the order until the deadline day. She tried to make arrangements to do the cleanup, but when she contacted the city she learned the city had already carried out the work and billed her for the costs plus penalties. Although Pam paid the costs and penalties for both orders, she felt the city treated her unfairly. She complained the city did not give her enough notice to do the cleanup work herself and that the city should have contacted her earlier, as she had asked, if any other problems arose.

Our investigation focused on whether the city followed a reasonable process issuing the two orders and whether Pam was given an adequate opportunity to respond. We reviewed the city's files along with its bylaw enforcement policies and standard form template letters. We also reviewed provisions of the Community Charter relating to bylaw enforcement and the authority of municipal governments to require people to clean up unsightly property. We had detailed discussions with city staff to clarify specific issues about bylaw enforcement processes. The information raised questions of administrative fairness such as:

- whether compliance deadlines set by Merritt were reasonable since the city knew Pam lived in the US
- whether it was reasonable for Merritt to send the second compliance order by registered mail given the problems it had been advised Pam experienced with the first notification
- did out of date information included in the bylaw compliance orders and standard form letters have the potential to create uncertainty
- was it reasonable for Merritt to do the cleanup work before the compliance deadlines expired

Based on the questions and concerns we identified, we consulted with the city and made several proposals aimed at resolving Pam's concerns. We also wanted to help the city improve its bylaw enforcement process.

As a result of our investigation, Merritt agreed to refund Pam the $915.25 that she paid the city for the clean-up of her property. Merritt also agreed to:

- review its bylaw enforcement process for unsightly premises
- review its communications to ensure they were up to date and accurately referenced the city's bylaws
- take measures to ensure Merritt was clear on the scope of its bylaw enforcement authority under the Community Charter
- look at developing policies concerning compliance orders

Clearing the air on zoning bylaws

VILLAGE OF KEREMEOS

THE INTERIOR

Laura, a senior, found a new home that almost met her needs, but it needed an addition. Before buying it, she called to ask if the addition would be allowed. She understood from the village she had to apply for a variance and that it would be straightforward. After buying it, Laura learned the home was considered non-conforming. She didn't know why, but because of this, she was told there was almost no chance a variance would be approved. Laura protested. Eventually the village agreed to support her variance application, but only if she agreed to remove the addition if she decided to sell. Laura thought this unfair and unreasonable. Something else bothered Laura. She'd renovated a detached garage to use for crafts. She got the necessary permits and said that process was fine, but in talking with a building inspector she learned she wouldn't be permitted to put a bed in it. Laura didn't plan to use the room other than for crafts but questioned if it was reasonable to prohibit her from having a bed in the room.

We questioned the procedures followed by the village and if Laura was given adequate explanations for its conclusions that the home was non-conforming and that she could not have a bed in her craft room. It turned out the village considered Laura's home a mobile home and her lot was not zoned for mobile homes. Since mobile homes weren't a permitted use, Laura's home was considered non-conforming.

Based on information we received about the home and our review of the zoning bylaw, we questioned if Laura's home was a mobile home as defined in the bylaw. We raised this with the village and asked it, in light of a different interpretation, to reconsider the classification of the home. A building inspector visited and determined it wasn't a mobile home but a manufactured home. The village then clarified for Laura that as manufactured homes were a permitted use, she needed only to apply for a building permit for renovations. Finally, the last issue was if Laura could have a bed in her craft room. Under the zoning bylaw, an accessory building like a garage can't be used as a secondary suite. We questioned if putting a bed in an accessory building made it a suite. We discussed this with the village. It agreed to reconsider. A building inspector conducted a site visit and told Laura she could have a bed but it couldn't be used as a rentable space. Laura confirmed this was never her intention and was pleased with the village's response and the outcome of her complaint.

Noise no more

CITY OF KELOWNA

THE INTERIOR

Mark called us because he was dissatisfied with how the city responded to his complaints about noise from a restaurant located in a park adjacent to his home. Mark lives in a residential area near a property leased by the city to a private individual to operate a restaurant. The restaurant proprietor holds wedding and other special events at the restaurant especially during the summer months. In 2009, Mark began complaining to the city about noise from the restaurant. He was especially concerned about noise from weddings which often went on late into the night. Mark wanted the city to enforce its Noise Control Bylaw.

Mark pointed out that the city had required other private facilities that hold weddings to enclose their patios with plexiglass and monitor their outdoor areas with a decibel meter to ensure the noise didn't unduly disturb the surrounding neighbourhood. Mark thought it was unfair that the city didn't require the same sound mitigation strategies to be employed at the restaurant near his home.

Mark had written several times to the city expressing his concerns about noise. Other neighbours had also raised concerns. When the city didn't appear to be taking any action, Mark turned to us.

We investigated. The city told us about some changes it had implemented to the contract with the restaurant operator that placed restrictions on evening events to reduce the noise. When we pointed out that Mark had complained that those measures weren't adequately reducing the noise, the city agreed to meet with Mark to hear his concerns and to develop a plan to address them.

City staff had an initial meeting with Mark in February 2013. The city manager continued to communicate with Mark and had a second meeting with him. Mark also met with the commissionaires at the park. The city then implemented a plan to reduce noise.

The city's plan had the restaurant operator relocate the smoking area at the restaurant away from nearby houses. Barricades were placed to ensure patrons exited the park away from the houses. As well, the city began checking on the restaurant operator's level of compliance with the terms of the city's agreement. The city asked the operator to forward the dates of events to the neighbours in advance so they were aware of the times when weddings were scheduled. The city also had their summer student patrol the park on days when weddings were scheduled to get an indication of the level of compliance by the restaurant operator.

Mark thanked our office for helping him find some peace and quiet.

Voting rights for non-resident property owners

REGIONAL DISTRICT OF BULKLEY-NECHAKO

THE NORTH

A regional district held a referendum to determine if voters in an electoral area wanted to contribute to the cost of building an aquatic centre. James owned recreational property a long way from the proposed pool and his primary residence was just as far away. James raised a number of concerns about how the referendum was run. In particular, he thought that voters weren't given enough information about the documents they needed to show at polling stations in order to prove they were eligible to vote. He also felt some property owners were unfairly excluded from a mail ballot voting process that had been established.

We investigated James' concerns to ensure the local government had followed a reasonable process during the referendum and provided residents with all the information they needed in order to exercise their voting rights. Some areas covered by the referendum were popular recreational areas in the summer months and property owners in these areas often didn't live there year round. Documents provided to us by the regional district showed that it had considered the difficulty non-resident property owners would have attending regular polling stations during local referenda. To address this, they provided property owners in one area with an unusually high population of seasonal residents with a mail ballot option. The mail-in option was provided to only one area because of the unique demographics of that area. The regional district had turned its mind to the issue and made a choice that was based on relevant considerations. Also, there were an adequate number of polling stations spread across the voting areas to provide reasonable access to property owners in other voting areas.

The regional district had generally done a good job of distributing information about the referendum. It had sent information by mail to all property owners at the outset of the process, held six public meetings, aired voting requirements on a local radio station in the weeks before the referendum, and posted referendum details in newspapers and on its website. While the local government took a number of steps to provide information to residents about voter eligibility, we questioned whether non-resident voter eligibility requirements had been clearly provided to the public. The *Local Government Act* establishes different voter eligibility rules for non-resident electors than for resident electors. One difference is that if there's more than one individual who is the registered owner of a property, only one of those owners may vote as a non-resident. Also, a non-resident owner may only vote with the written consent of the majority of the registered owners of the property. Some non-resident electors showed up at polling stations to vote only to learn they could only do so with the written consent of other registered owners of the property.

In our view, more could have been done to alert non-resident property owners that different voter eligibility rules applied to them thus reducing confusion and concerns and enhanced understanding of and confidence in the fairness of the process. Sometimes it takes a lot of persuasion before a public agency accepts a change our office proposes. In this case, however, the regional district was clear it wanted to improve its process and was open to make changes. It was glad to adopt a practice of including information concerning the special requirements that applied to non-resident property owners in future referendum notice letters.

The law is the law

CULTUS LAKE PARK BOARD

THE LOWER MAINLAND

The Cultus Lake Park Board was concerned by the conduct of some members of the public during board meetings. In particular, the park board was of the view that some members of the public who attended meetings were not being considerate or respectful toward staff. In response, the park board cancelled indefinitely the public participation period that had formed part of every regular board meeting. This led to a series of complaints to our office from Cultus Lake Park residents who believed the board's response was unwarranted.

Like other local governments in British Columbia, the Cultus Lake Park Board has adopted a meeting procedures bylaw that establishes the rules that are to be followed in calling and conducting meetings. The park board's meeting procedures bylaw required that during each regular meeting of the board, members of the public be given the opportunity to address and ask questions of the board. We could see nothing in the *Cultus Lake Park Board Act* or the meeting procedures bylaw that would give the park board discretion to cancel this public participation period.

The complainants provided copies of their communications with park board members and public statements attributed to board members. This information raised questions about whether the Cultus Lake Park Board understood that bylaws are binding on local governments. We discussed this with the park board and drew attention to case law that supported our view that they were.

Shortly after commencing our investigation, the park board reinstated public participation period. The park board subsequently obtained legal advice and, after reviewing that advice, assured us that the board understood the binding nature of its bylaws. As public participation period was reinstated and the park board confirmed that it now understood that it is obligated to follow its meeting procedures bylaw, we closed our file.

Investigative Case Summaries – Seniors

Ministry acknowledges consent was overlooked

MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT

VANCOUVER ISLAND / SUNSHINE COAST

June shared legal custody of her two grandchildren with her son Colin. June and Colin lived in different cities, about 50 kilometers apart. The children usually lived with June, however, Colin and June agreed that the children would live with Colin for awhile. While the children were living with Colin, a social worker from the ministry decided that the children should live elsewhere because he didn't believe Colin was coping well.

The social worker decided to establish a safety plan for the children to live elsewhere. As the children had different mothers, one of the children went to stay with her mother. The social worker arranged for the other child to stay with her maternal grandparents, more than 250 kilometers away from her father's home. June was not contacted and only learned about what had taken place from Colin.

June was concerned the ministry hadn't asked for her consent to the safety plan even though she had legal custody of the children. She was also concerned whether the ministry had legal authority to do what had been done. While the children were returned to June's care shortly after because of steps June took, she wasn't able to get a satisfactory explanation from the ministry about whether it had the authority to make the safety plan and not contact her.

We investigated whether the ministry followed a fair process when it made the safety plan for the children and whether the ministry fairly responded to June when she expressed concerns about the process. We wanted to ensure the process the ministry followed was in accordance with the ministry's governing legislation, the *Child, Family and Community Service Act*.

We had discussions about the issues we were investigating with ministry staff and reviewed ministry records. The records appeared to support June's contention that the ministry hadn't sought her consent before implementing the safety plan as required, nor had the children been formally removed under provisions of the *Child, Family and Community Service Act*.

As a result of our investigation, the ministry acknowledged that because June had legal custody, and because ministry staff did not exercise any powers under the Act to remove the children or take charge of them, the ministry had no statutory authority to establish the safety plan without June's consent as she was considered a 'parent' under the Act. The ministry agreed that the actions taken were not consistent with the *Child, Family and Community Service Act* or the ministry's practice standards.

The ministry wrote to June and apologized. In its letter, the ministry acknowledged the practice issues that were identified through June's complaint and the steps taken to prevent the problem from happening again. Those steps included follow up with all social work staff in the region regarding the requirement to determine who has legal custody before making decisions in order to ensure that safety plans are created within the property legal authority and ministry practice standards. We concluded the ministry had appropriately responded to the concerns raised through our investigation.

Now it is Handy for me too!

BC TRANSIT

THE INTERIOR

Mike was a senior with mobility issues who lived in a rural area. He required regular medical treatment at a hospital in Kamloops. Fortunately, Mike had a friend who helped by driving him to Kamloops when he required treatment. Once he got to Kamloops, Mike wanted to use handyDART to get from his hotel to the hospital. His friend contacted BC Transit to ask whether Mike could use the handyDART service, but BC Transit said this wouldn't be possible because Mike wasn't a resident of Kamloops. Mike and his friend contacted us as they didn't think it was fair that Mike had to come to Kamloops for medical services but couldn't access handyDART services while he was there.

The cost of handyDART services is shared between the local government in which the service is provided and the provincial government. On that basis, handyDART services were available only to residents of the municipality. We questioned whether the funding structure was an appropriate basis for refusing service to a person in Mike's circumstances. We pointed out that Mike had to travel to Kamloops specifically to access specialized medical treatment that was not available in his community. BC Transit agreed to look further into the issue and see whether a solution could be found.

BC Transit contacted the City of Kamloops and the regional service provider to discuss Mike's situation. They agreed that Mike should be able to access handyDART service while in Kamloops and said that if he registered with them, he could use the service. They provided a contact person for Mike to call if there was any problem getting Mike registered. Mike and his friend were very appreciative of the outcome.

BC Transit also told us that our investigation had alerted them to the fact that with the increasing aging population, more people who do not live in communities with specialized medical facilities will need handyDART services while obtaining medical services in communities where they do not live. The province needs to consider these issues when budgeting and planning services going forward.

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Investigative Case Summaries – Work and Business

Now I understand how the bids are scored

MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE

THE INTERIOR

Bob called us because he didn't think that he was given a fair chance when his company bid for a ministry contract. His engineering firm applied for two separate contracts and they didn't get either one. The ministry, for both contracts, asked all applicants to submit qualifications for a junior and senior estimator. Bob's firm submitted his name for the senior position and an associate for the junior position.

The ministry scored each application according to a scale. When Bob didn't get the contract he looked at the test scores and saw that some small firms only submitted one name, but still got scores for both estimator positions. He thought this was unfair and that if you only submitted one name you should not get two scores.

We reviewed the request for proposals and talked to staff at the ministry and the Attorney General's Office and they told us that they listed two separate positions because it was conceivable that in larger firms there may be people who would split the tasks but they never intended to restrict sole practitioners or smaller firms from applying. When they scored for both positions and only one applicant was put forward, the single estimator's qualifications were scored for both positions. They further told us that no one had ever made a complaint of this nature and it did not occur to them that it could be interpreted that two people had to be put forward.

We asked the ministry if it could modify the request for proposal so that it explains the application process. Ministry staff spoke with staff at the Attorney General's Office and proposed a change to the standard request for proposal document. The change was implemented and the confusion regarding the process was cleared up.

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Winning, waiting and finally getting action

WorkSafeBC

THE INTERIOR

Hank was diagnosed with laryngeal cancer in 2011. He made an application to the Board for a permanent disability award in May 2011 as he believed that the cancer was the result of his work in an asbestos mine in the 1980s. His claim for compensation was denied by WorkSafeBC. Hank subsequently appealed to Worker's Compensation Appeal Tribunal (WCAT).

In June 2013, Hank was finally advised that his appeal was successful. WCAT had found that his cancer was an occupational disease due to the nature of his employment and compensation was payable by WorkSafeBC. Hank came to our office because he was having serious financial difficulties while waiting for the WCAT decision to be implemented. We investigated whether WorkSafeBC unreasonably delayed implementing the WCAT decision.

We followed up with the WorkSafeBC Fair Practices Office and had several discussions. We were told that it needed more medical information before any further wage loss benefits could be paid. We noted that WorkSafeBC policy is that within 60 days of the date of a WCAT decision, a claim owner should send either a decision letter explaining the implementation of the decision or a plan of action letter detailing the implementation plan. WorkSafeBC acknowledged that Hank was not provided with either a decision letter or a plan of action letter.

In response to our investigation, WorkSafeBC sent Hank a plan of action letter that set out the action and decisions WorkSafeBC needed to complete in order to implement the WCAT decision. In the plan of action letter, the manager apologized to Hank for the delay in implementing the decision. After we gave notice of our investigation, WorkSafeBC promptly issued Hank a wage loss cheque for over $36,000.

Hank came to our office because he was having serious financial difficulties while waiting for the WCAT decision to be implemented.

The benefits of clear language

VANCOUVER ISLAND HEALTH AUTHORITY

VANCOUVER ISLAND / SUNSHINE COAST

Maggie started a new job with the Vancouver Island Health Authority. Although her position had funding for four years, she was classified as a temporary non-contract employee. Later in the year, Maggie contacted her manager and informed her that she would be taking maternity leave. She asked her manager to confirm that she was entitled to receive the maternity leave salary top-up and related maternity benefits that she read about in the Non-Contract Employee Terms and Conditions of Employment that she was given when she started with VIHA.

A human resources staff person contacted Maggie and told her that she was ineligible to receive the maternity benefits. Maggie asked for a review of the decision because she was of the view that the Terms and Conditions entitled her to receive the benefits. VIHA subsequently informed Maggie that the matter had been reviewed by its Non-Contract Advisory Committee and the Committee confirmed that she was ineligible to receive the maternity benefits.

We investigated whether VIHA followed a reasonable process in responding to Maggie's request for the benefits. We reviewed VIHA's file and copies of correspondence that Maggie provided to us. The information suggested that VIHA took reasonable steps to address Maggie's request: it informed her of the initial decision,

discussed her concerns with her, facilitated a review of the decision by the Non-Contract Advisory Committee and informed her of the results of the review decision.

Despite taking these steps, VIHA's ability to adequately respond to Maggie's request and explain the basis for its decision appeared to have been limited by the language of the Terms and Conditions of Employment. The correspondence we reviewed indicated that although VIHA informed Maggie that the maternity benefits would not be available to her because she was classified as a temporary employee, Maggie questioned this position on the basis of her reading of the Terms and Conditions. Maggie pointed out that the section discussing maternity benefits did not state that the benefits would not be available to temporary employees.

During the investigation VIHA explained its view that the Terms and Conditions provided that the maternity benefits were only available to employees that would return to work in a position classified as regular for six months following the leave. We reviewed the Terms and Conditions. Although the relevant section appeared to be capable of VIHA's interpretation we questioned whether the language was as clear as it could be and whether the section could state more clearly that the benefits would only be available to employees classified as regular. We wondered whether clearer Terms and Conditions would have served to limit Maggie's expectation that maternity benefits would be provided and would have increased Maggie's confidence in the process VIHA followed in deciding that she was ineligible to receive the benefits.

We proposed that VIHA amend the section of the Terms and Conditions relating to maternity benefits to ensure that it was clear that only employees classified as regular would be eligible. VIHA confirmed that an amendment to the Terms and Conditions would be brought forward for discussion at the next Non-Contract Advisory Committee meeting and that a plan and schedule would be created to monitor the implementation of the amendment. We considered the matter settled and closed our file.

Investigative Case Summaries – Other

Committing to consultation

VANCOUVER PARK BOARD

THE LOWER MAINLAND

Brian moored his boat at the Burrard Bridge Civic Marina. He contacted us because he was concerned that the Vancouver Park Board did not consult the users of the marina before it decided to use the former caretaker's suite at the marina for its new artist residency program. Brian told us that the marina users wanted the board to use the space for a shower facility, not an artist's studio. We investigated whether the board followed a reasonable process in deciding to use the suite at the marina for the artist residency program.

The board informed us that when the artist residency program was established, the board directed its staff to explore using surplus park facilities for arts and other community purposes. We reviewed the board's meeting minutes and confirmed that the board passed a resolution stating that the ongoing decision-making process would be guided by consultation to ensure the surplus park spaces would become expressions of the will of the residents of Vancouver.

There is value in giving all interested people the opportunity to provide input before decisions affecting them are made. However, in spite of the board's resolution, the board consulted only with the arts community in making the decision to use the marina suite for the artist residency program.

The board created an expectation that its decision-making process would be guided by consultation and we questioned the degree to which this was met in the circumstances that led to Brian's complaint. However, by the time Brian came to our office, the marina suite had been approved for use by the artist residency program and had been renovated for that purpose. A short time later, the inaugural resident artist moved in. We decided that the opportunity for meaningful consultation with other parts of the community had passed so we focused on whether there were ways to improve the park board's process in the future. In discussions with the board, we obtained the board's agreement to:

- follow through with any commitment that it makes in the future to involve the public in its decision-making process
- allow marina users to provide input into any decisions regarding any future change in use of the suite at the marina

In this case there was no legal obligation on the board to consult with the public. However, members of the board recognized the value in doing so and committed to incorporating community consultation into the board's decision making process. There are many good reasons to consult the public before making decisions and if there are groups or communities that may be more significantly affected by a decision or an initiative, it is particularly important to consult them.

Inmates rights respected

NORTH FRASER PRETRIAL CENTRE, MINISTRY OF JUSTICE

THE LOWER MAINLAND

While Mark was on remand at North Fraser Pretrial Centre (NFPC), he contacted us to complain that he was not present when NFPC searched a box containing his privileged legal materials. He said the box was searched after he was classified to separate confinement status and placed in a segregation unit. Mark said that when he next had access to his box of legal materials, his papers were out of order. Mark said this was not the first time his legal materials had been searched while he was not present. Mark had tried to resolve his concern by making a complaint within the Centre, but the response back simply described the Centre's policy.

We discussed Mark's complaint with the deputy warden of operations and we obtained a copy of the NFPC policy on searches of inmates which included specific policy on searching legal materials. The policy required that reasonable steps be taken to have the inmate present during a search of legal materials. If this was not practicable, the policy required the inspection of the box to be videotaped. We were told a video recording of the search had been made as per policy, but the tape had subsequently been overwritten.

Given the imperative that privileged records not be unnecessarily or unreasonably searched, we questioned whether the NFPC policy included adequate protections. In this case:

- Mark was not present when staff searched his legal materials
- there were no records or report available on whether steps were taken to have Mark present for the search
- Mark was not informed that the inspection of the box was videotaped
- Mark was not given an opportunity to view the tape before it was erased

In a letter to NFPC, we drew attention to the Centre's need to respect the privileged nature of inmates' legal materials. We proposed several changes to the Centre's policy. First, we proposed the Centre revise its policy to ensure that staff documented the steps taken to have the inmate present for the search. Second, we proposed the policy be revised to ensure that inmates are notified when their legal boxes are searched. Furthermore when a search is done in the inmate's absence, the inmate be given an opportunity to view the videotape of the search before the tape is erased. NFPC revised its policy to incorporate all these proposed changes.

North Fraser Pretrial Centre revised its policy to incorporate all these proposed changes.

I'm left with no money for necessities

PUBLIC GUARDIAN AND TRUSTEE

VANCOUVER ISLAND / SUNSHINE COAST

Louisa had recently returned home after spending some time in a psychiatric facility run by Island Health (IH). While she was in the facility, IH staff had concerns about Louisa's ability to handle her financial affairs and made a referral to the Public Guardian and Trustee (PGT).

Having been away from home for some time, Louisa had no food in the house and went grocery shopping. When she tried to pay for her groceries her credit and debit cards did not work. She called her bank and was told that the PGT had placed a hold on her accounts. It was a Saturday and Louisa wasn't able to reach anyone at the PGT's office. On the following Monday, Louisa received a letter from the PGT and called the PGT's office but was referred to a person who Louisa tried to reach but who wasn't able to speak with her.

We investigated to assess whether there was unreasonable delay in responding to Louisa. The PGT explained that its office had received the referral from IH the previous week. At the same time as the PGT sent a notice to the bank that temporarily froze Louisa's assets, it also asked that the bank make $200 available weekly to Louisa for personal needs.

In response to the questions we raised, the PGT agreed to contact Louisa's bank and confirm that she was to have access to $200 each week. Louisa called us back again and said that when she tried to access funds from her bank she was again told that her accounts were frozen and that no funds were available to her. We contacted the PGT again and the PGT contacted the manager of Louisa's bank. This finally resolved the problem and Louisa was then able to access some money to purchase food and other necessary items.

It appeared that Louisa's bank did not register the PGT's initial request to allow Louisa access to specified funds. By contacting our office, Louisa was able to have the issue resolved quickly.

By contacting our office, Louisa was able to have the issue resolved quickly.

How long are they going to keep me here?!

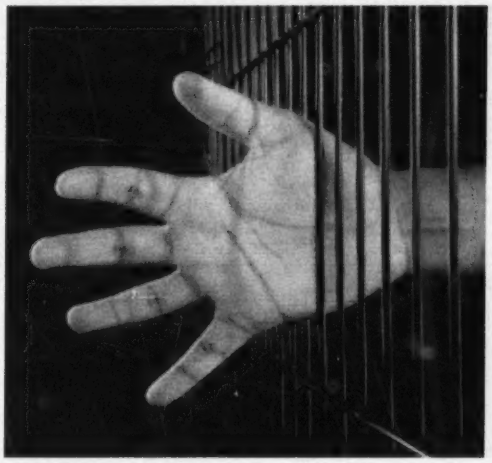
PRINCE GEORGE REGIONAL CORRECTIONAL CENTRE, MINISTRY OF JUSTICE

THE NORTH

Kyle contacted our office with a complaint about the Prince George Regional Correctional Centre. He told us that he had been in separate confinement for more than five months and that he was not satisfied with the reasons provided by the centre for its decisions to keep him in segregation.

We investigated whether the centre followed a fair procedure with respect to its decisions to separately confine Kyle. *Correction Act Regulations* allow persons in charge of a correctional facility to separately confine an inmate for not longer than 15 days. To extend that order for a period longer than 15 days requires a review of the inmate's circumstances. The decision must be given to the inmate in writing within 24 hours and include the reason for the confinement.

Kyle provided us with his separate confinement notifications and we noticed that five decisions in a row contained identical reasons. We contacted the centre to discuss Kyle's complaint and our concerns that five consecutive decisions containing identical reasons suggested a new decision was not being made on his circumstances every 15 days.



The centre immediately acknowledged that the decision to maintain his placement in segregation without giving additional consideration as to his current circumstances was inappropriate. The centre conducted a full review of his file and determined that it was appropriate that Kyle be released on enhanced supervision with an individualized case plan. Kyle confirmed he was being moved to a normal range and thanked us for our work.

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Systemic Investigations

Overview

In addition to investigating complaints, the Ombudsperson has the authority to initiate investigations. The Ombudsperson uses this authority to consider issues from a broad systemic perspective. A systemic investigation is an investigation initiated by the Ombudsperson that is likely to result in findings and recommendations and a published Ombudsperson report.

Recommendations are aimed at improving administrative processes and ensuring that a broad range of people in British Columbia are treated fairly. Implementation of the recommendations is monitored for a period of five years with status updates included in the Ombudsperson's annual report. Detailed tables are available on the office's website.

Systemic Investigations Completed in 2013/2014

PUBLIC REPORT NO. 50: *STRIKING A BALANCE: THE CHALLENGES OF USING A PROFESSIONAL RELIANCE MODEL IN ENVIRONMENTAL PROTECTION – BRITISH COLUMBIA'S RIPARIAN AREAS REGULATION*

Public Report No. 50, *Striking a Balance: The Challenges of Using a Professional Reliance Model in Environmental Protection – British Columbia's Riparian Areas Regulation* examines the administration of the *Riparian Areas Regulation* (*RAR*) by the Ministry of Forests, Lands and Natural Resource Operations. The *RAR* is designed to ensure riparian areas – which are an essential part of fish habitat – are considered and protected in the development process. The investigation found that there were significant gaps between the process the ministry had established when the *RAR* was enacted and the level of oversight that was actually in place.

The investigation resulted in 21 findings and 25 recommendations directed to the Ministry of Forests, Lands and Natural Resource Operations. The recommendations include ensuring the ministry has the appropriate regulatory authority to carry out its oversight role, increasing the monitoring of QEPs and project proponents by the ministry, improving public information and complaint processes, and ensuring the ministry monitors the effectiveness of the *RAR* at meeting its goal of environmental protection. The Ministry of Forests, Lands and Natural Resource Operations has accepted and committed to implementing 24 of the 25 recommendations made to it.

More detailed updates on the status of our recommendations will be available on our website.

> "We are writing to you now to thank you for your recent report entitled *Striking a Balance*... You and your office have produced a document that addresses a great number of issues where redress is necessary in order for positive change to take place. We salute you and your team for this constructive and valuable effort."
>
> From a note sent to us in 2013/2014

SPECIAL REPORT NO. 35: *TIME MATTERS: AN INVESTIGATION INTO THE BC EMPLOYMENT AND ASSISTANCE RECONSIDERATION PROCESS*

The Ministry of Social Development and Social Innovation administers the BC Employment and Assistance program to help low income and disadvantaged British Columbians with employment programs, income assistance, disability assistance, hardship assistance, as well as various supplements. In January 2014 the Office of the Ombudsperson released Special Report No. 35, *Time Matters: An Investigation into the BC Employment and Assistance Reconsideration Process*. The investigation that led to this report focused on systemic delays in the ministry's reconsideration process. Reconsideration is the first formal review process available to applicants who want to challenge a ministry decision to deny, reduce, or discontinue assistance.

The report included three findings: that the Ministry of Social Development and Social Innovation was not meeting its own legislated requirements to complete reconsideration decisions within specified time limits; that delay had adversely affected more than 900 ministry clients; and that the ministry did not have adequate processes in place to ensure that this situation did not recur.

Stemming from these findings, the Ombudsperson made four recommendations to the ministry focused on improving practices and outcomes in the reconsideration process. The Ministry of Social Development and Social Innovation accepted all four recommendations and has implemented two of them.

To implement one of the recommendations, amendments were made to the *Employment and Assistance for Persons with Disabilities Regulation*. Now, where delays beyond legislated time limits result in a later effective date of eligibility, the affected individuals will be compensated for the amount of benefits they would have been entitled to receive had their request been approved within time limits. The amendments also minimize the impact of delayed reconsiderations by ensuring that the effective date of approval is no later than the date the reconsideration is required to have been made.

The ministry's delays meant more than 900 ministry clients had lost benefits they were entitled to receive. To implement a second recommendation, almost $350,000 in lost benefits was paid to persons financially affected by delays in the reconsideration process.

We also recommended the ministry:

- take the necessary steps to ensure that its systems are able to accurately track reconsideration requests and compliance with time limits based on the date of submission
- review its Persons with Disabilities (PWD) application process and make the necessary changes to improve the accuracy of decisions about PWD status made at the first level of decision making and track and report publicly the results of those changes

The ministry has not yet fully implemented these recommendations. The Office of the Ombudsperson will continue to monitor implementation of these recommendations to resolve issues which affect some of the most vulnerable members of our society.

More detailed updates on the status of our recommendations will be available on our website.

Systemic Investigations Completed in 2012/2013

PUBLIC REPORT NO. 49: *NO LONGER YOUR DECISION: BRITISH COLUMBIA'S PROCESS FOR APPOINTING THE PUBLIC GUARDIAN AND TRUSTEE TO MANAGE THE FINANCIAL AFFAIRS OF INCAPABLE ADULTS*

On February 6, 2013, the Ombudsperson released *No Longer Your Decision: British Columbia's Process for Appointing the Public Guardian and Trustee to Manage the Financial Affairs of Incapable Adults*. This report examined the process for issuing certificates of incapability that result in the Public Guardian and Trustee of British Columbia assuming control over an adult's financial and legal decision making. The investigation conducted by our office found that the current system fails to meet the requirements of a fair and reasonable procedure in a number of respects.

The investigation resulted in 21 findings and 28 recommendations aimed at improving the practices followed by the Public Guardian and Trustee and the six health authorities, establishing provincial training for staff, and creating legally binding minimum requirements. The health authorities accepted all five of the recommendations made to them, the Public Guardian and Trustee accepted five of the seven recommendations in full and one in part, the Ministry of Health accepted both of the recommendations made to it and the Ministry of Justice accepted 11 of the 14 recommendations aimed at legislative changes.

In September 2013, my office completed an initial six-month update on the work done by the nine authorities investigated to implement the recommendations. This update showed that work was being done by all authorities to lay the groundwork for expected legislative changes which were to take effect on June 30, 2014. An order-in-council deposited in February 2014, has delayed the implementation of those legislative changes to December 1, 2014. While I am disappointed by this delay I am hopeful that all the authorities remain committed to implementing the recommendations they have accepted. All of these agencies are part of a Certificate of Incapability Process Review Committee which is working on implementation of the recommendations made in No Longer Your Decision.

In March 2014, amendments to the *Adult Guardianship Act* were introduced in the Legislature. Once passed, these amendments will:

- Require health authorities to notify an adult and his or her relatives before a certificate of incapability is issued, except in cases where notification would result in serious harm, and provide a reasonable opportunity to respond (Recommendation 18)
- Require health authorities to notify an adult and, if known, his or her spouse or near relative, when a certificate of incapability is issued, and provide them with a copy of the certificate (Recommendation 22)

In addition, the Public Guardian and Trustee has taken steps to implement the recommendations made to it as follows:

- The PGT notifies all adults in writing of an investigation unless doing so will put the adult at risk (Recommendation 1)

More detailed updates on the status of our recommendations are available on our website.

Systemic Investigations Completed in 2011/2012

PUBLIC REPORT NO.47: *THE BEST OF CARE: GETTING IT RIGHT FOR SENIORS IN BRITISH COLUMBIA (PART 2)*

On February 14, 2012, the Ombudsperson released Public Report No. 47, *The Best of Care: Getting It Right for Seniors in British Columbia (Part 2)*. This comprehensive and in-depth report makes 143 findings and 176 recommendations which were directed to the Ministry of Health and the five regional health authorities designed to improve home and community care, home support, assisted living and residential care services for seniors. 2014 marked the second anniversary of the report's publication and there continues to be significant public interest in the report and its recommendations.

The majority of the report's recommendations were aimed at the Ministry of Health. This year, for the first time, the ministry has responded specifically to the recommendations in *The Best of Care (Part 2)*. In the first part of its response, the ministry has provided us with information on progress made in implementing 89 recommendations made to both the ministry and health authorities.

A number of the report's recommendations were made to health authorities. We also asked each of the health authorities to report on the progress made in implementing the recommendations aimed specifically at them.

Since our 2012/13 annual report, the authorities have made some progress towards implementing the Ombudsperson's recommendations including:

- All health authorities are now reporting to the Ministry of Health the information required by the Home and Community Care Minimum Reporting Requirements (Recommendations 4 and 5).
- Island Health Authority has developed a guideline for staff to offer clients a copy of their home and community care assessment or summary report except in cases where it would cause harm (Recommendation 10).
- The Ministry of Health has established the Office of the Seniors Advocate (Recommendation 22).
- The Patient Care Quality Offices at all health authorities are using the web-based Patient Safety Learning System to track and record all complaints submitted (Recommendations 20 and 46).
- Fraser Health Authority's website now contains direct contact information, including a mailing address and phone number, for the Office of the Assisted Living Registrar (Recommendation 71).
- The Office of the Assisted Living Registrar now visits all new assisted living facilities before they are registered (Recommendation 89)
- The Ministry of Health is continuing to report summary information on how the additional revenue generated by the new residential care rate structure is being spent (Recommendation 123).
- The Ministry of Health contracted with the Justice Institute of BC to develop online training material for community care licensing officers. The JIBC offers an Advanced Certificate in Community Care Licensing open to current and prospective licensing officers (Recommendation 153).
- Section 21 of the *Hospital Act Regulation* was enacted in December 2013. This section requires administrators or licensees of *Hospital Act* facilities to report any "serious adverse events" affecting patients (Recommendation 162).

- The *Residential Care Regulation* has been amended to include "aggression between persons in care" as a reportable incident (Recommendation 163).

While this progress is welcomed there still remains much to be done in order to ensure seniors in British Columbia receive the best of care.

More detailed updates on the status of our recommendations are available on our website.

PUBLIC REPORT NO. 48: *ON SHORT NOTICE: AN INVESTIGATION OF VANCOUVER ISLAND HEALTH AUTHORITY'S PROCESS FOR CLOSING COWICHAN LODGE*

On February 14, 2012, the Ombudsperson released Public Report No. 48, *On Short Notice: An Investigation of Vancouver Island Health Authority's Process for Closing Cowichan Lodge*.

The investigation arose out of 46 complaints from people in the Cowichan area who were concerned about and directly affected by Vancouver Island Health Authority's (VIHA; now known as Island Health Authority) announced closure of a long established seniors' residential care facility in Duncan.

The Ombudsperson found that VIHA acted unfairly by not following the appropriate process in seeking to close Cowichan Lodge with less than twelve months' notice. The investigation resulted in six findings and six recommendations.

VIHA accepted and agreed to implement five of the six recommendations. Since our 2012/2013 annual report, VIHA is still working to include additional language in its facility closure policy dealing with the impact on employees. VIHA has not made further changes to its policy to move the health authority toward full implementation of the recommendations (Recommendation 2).

More detailed updates on the status of our recommendations are available on our website.

SPECIAL REPORT NO. 33: *HONOURING COMMITMENTS: AN INVESTIGATION OF FRASER HEALTH AUTHORITY'S TRANSFER OF SENIORS FROM TEMPORARILY FUNDED RESIDENTIAL CARE BEDS*

On February 14, 2012 the Ombudsperson released Special Report No. 33, *Honouring Commitments: An Investigation of Fraser Health Authority's Transfer of Seniors from Temporarily Funded Residential Care Beds.*

This investigation was the result of complaints received by the Ombudsperson after Fraser Health Authority (FHA) reversed a written commitment that some seniors in temporarily funded beds at a residential care facility in Surrey, would not have to move from the facility. After telling residents they would not have to move, FHA later told seniors still living in the facility that the health authority could no longer fund the beds and that they would have to move within a month and a half.

The Ombudsperson found that FHA acted unfairly in deciding to move the residents out of temporarily funded beds in light of its prior written commitment. The investigation resulted in seven findings and nine recommendations.

Fraser Health Authority agreed to implement all of the recommendations in Honouring Commitments. Since our 2012/2013 annual report, FHA has made progress toward meeting the recommendations, as follows:

- Fraser Health has followed the recommendation to provide at least 60 days' notice to residents and families when ceasing funding for beds: in one case it provided six months' notice and in another, two years' notice. Fraser Health has also provided written documentation to residents of these facilities and their families indicating that Fraser Health will assist them in moving to their preferred facility where that can be accommodated (Recommendation 2.1).

- Fraser Health has amended its "First Appropriate Bed Policy for Residential Care" to state that patients who have been offered a temporary bed can apply for an exemption to the policy (Recommendation 2.2).
- Fraser Health has amended its operational practice for responding to exemption requests. Before an exemption can be granted, licensees are required to demonstrate how they have notified families of the exemption request, and provide a copy of a consultation plan and the outcome of the consultation (Recommendation 5.2).

More detailed updates on the status of our recommendations are available on our website.

Systemic Investigations Completed in 2009/2010

PUBLIC REPORT NO. 46: *THE BEST OF CARE: GETTING IT RIGHT FOR SENIORS IN BRITISH COLUMBIA (PART 1)*

In December 2009, the Ombudsperson issued *The Best of Care: Getting it Right for Seniors in British Columbia (Part 1)*, the first of two reports on the Ombudsperson's systemic investigation into the care of seniors in British Columbia. The first report included ten recommendations made to the then Ministry of Health Services and Ministry of Healthy Living and Sport in the following areas: rights for seniors in residential care; access to information about residential care; and the role of resident and family councils. The ministries fully accepted four of the recommendations and these have been implemented.

The ministries indicated their acceptance of the intent of the other six recommendations – 1(c), 1(d), 2(a), 3(a), 3(c) and 3(d). We invited the ministry to provide us with updates on any actions taken with the intent of implementing our recommendations. Since our 2012/2013 annual report, the Ministry of Health has made limited additional progress toward implementing these recommendations. The ministry is receiving quarterly reports on facility compliance with the Bill of Rights, as observed by inspectors (Recommendation 1(c)). However, the ministry cannot tell us how it evaluates and responds to these reports. Health authorities now post information about inspections of care facilities, which is a move toward transparency of information. However, such information is not yet housed in a single provincial website (Recommendation 2(a)).

More detailed updates on the status of our recommendations are available on our website.

Systemic Investigations Completed in 2008/2009

PUBLIC REPORT NO. 45: *LAST RESORT: IMPROVING FAIRNESS AND ACCOUNTABILITY IN BRITISH COLUMBIA'S INCOME ASSISTANCE PROGRAM*

In March 2009, the Ombudsperson issued *Last Resort: Improving Fairness and Accountability in British Columbia's Income Assistance Program.* This report included 28 recommendations to what was then the Ministry of Housing and Social Development. The ministry accepted and agreed to implement all the recommendations, except Recommendation 23, which proposed that the ministry compensate people adversely affected by the ministry's delay in initiating a regulatory amendment that affected the dates on which appealed decisions could be implemented.

Our recommendations addressed four areas: applying for income assistance, persons with persistent multiple barriers to employment (PPMB), medical and other documentation requirements, and implementation of previous commitments.

In previous years, I reported that the ministry had not implemented the six recommendations related to the PPMB program that it accepted and committed to implement over five years ago (Recommendations 12, 13, 14, 15, 16(A) and (B)). This situation unfortunately remains the same this year. The ministry accepted and committed to implementing these recommendations but in five years has made no changes – not even as recommended in Recommendation 13 to change a form to improve the clarity of information provided. This situation highlights the importance of continued monitoring of recommendations that have been accepted but not yet implemented. Ministries have the opportunity to accept or reject recommendations at the time a report is made. Once accepted, however, the ministry has made a commitment to carry through on these changes.

The ministry has recently completed a province-wide consultation process on disability that may lead to policy and program changes. The ministry has told us it will endeavour to implement the recommendations related to PPMB in *Last Resort* as part of the changes resulting from this consultation process.

More detailed updates on the status of our recommendations are available on our website.

Statistics

Statistical Overview of Work and Performance

The following pages detail a statistical evaluation of our office's work and performance between April 1, 2013 and March 31, 2014.[1]

In fiscal 2013/2014, our office dealt with 7,688 inquiries, requests for information, assistance or complaints. The majority of contact with our office was by telephone (6,212), followed by online forms (774) and letters (513). There were 189 complaints and inquiries made in person.

Thirty-nine per cent of the files opened were from the City of Vancouver and the Lower Mainland, 25 per cent from Vancouver Island and the Sunshine Coast, 21 per cent from the interior and 9 per cent from the northern part of the province. The remaining six per cent were from out of province.

Fifty-five per cent of the files opened involved complaints about provincial government ministries; 25 per cent involved complaints about provincial commissions, boards and Crown corporations; eight per cent involved complaints about local government authorities; seven per cent involved complaints about health authorities. The majority of the remaining five per cent involved complaints about self-regulating professions, schools and Boards of Education.

The Ministry of Social Development, Ministry of Children and Family Development, Ministry of Justice, BC Hydro and Power Authority and Workers' Compensation Board were our five most significant authorities in 2013/2014.

Our early resolution program continues to be a successful initiative. It redirected 224 files that would have previously been sent to investigation into a process that addresses and resolves problems within ten working days. A total of 1,571 individual investigative files were assigned to ombudsperson officers and they closed 1,671 files.[2]

Files awaiting assignment continue to be reviewed regularly and assigned as quickly as possible to an ombudsperson officer for action. On March 31, 2014 there were 246 open files on the wait list awaiting assignment.

A summary of files opened and closed by authority categories is included at the end of this section. A detailed breakdown by individual authority can be found at www.bcombudsperson.ca.

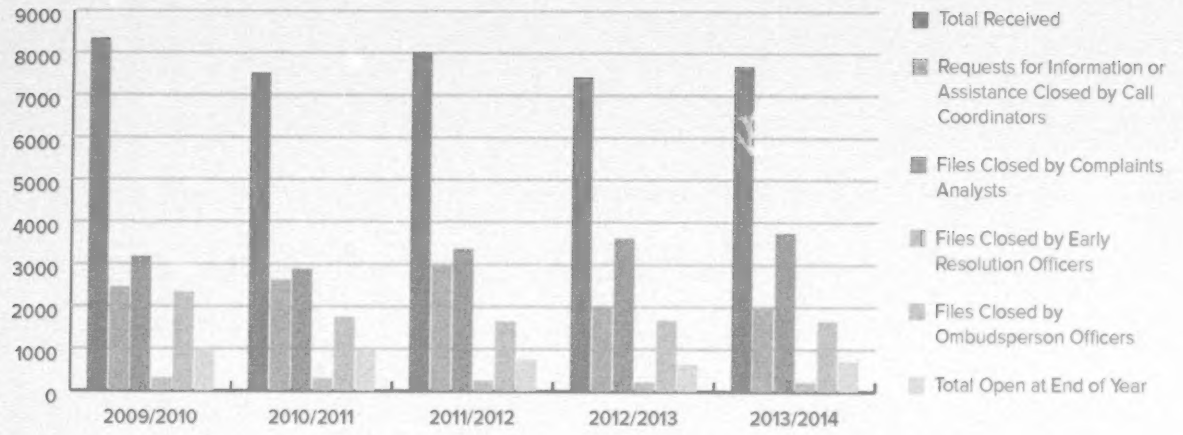
Our office dealt with 7,688 inquiries, requests for information, assistance or complaints in fiscal 2013/2014.

1 This information should be read in conjunction with our *Act*, strategic plan, budget and the rest of this annual report. Together these documents set out our office's mandate, plan resources and results. All of them are available on our website at www.bcombudsperson.ca.

2 Closed files include files from previous years.

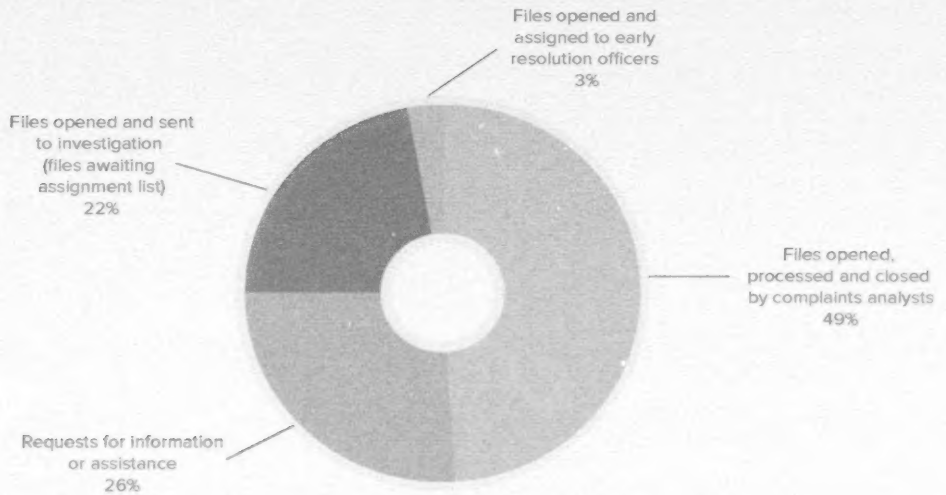
The data contained in the following tables and charts may occasionally vary slightly from previous reports. In such cases, the figures given in the most current report are the most accurate.

Work of the Office



	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014
Open at the Beginning of the Year					
Open Files Assigned	935	819	751	609	565
Open Files Awaiting Assignment	0	176	228	147	75
	935	**995**	**979**	**756**	**640**
Complaints and Inquiries Received					
Requests for Information or Assistance	2,453	2,629	2,964	2,020	1,969
Files Opened	5,891	4,901	5,050	5,411	5,719
	8,344	**7,530**	**8,014**	**7,431**	**7,688**
How Complaints and Inquiries were Dealt With					
Requests for Information or Assistance Closed by Call Coordinators	2,453	2,629	2,964	2,020	1,969
Files Closed by Complaints Analysts	3,185	2,878	3,359	3,627	3,744
Files Closed by Early Resolution Officers	310	301	256	226	224
Files Closed by Ombudsperson Officers	2,336	1,739	1,658	1,676	1,671
	8,284	**7,547**	**8,237**	**7,549**	**7,608**
Open at the End of the Year					
Open Files Assigned	819	751	609	565	475
Open Files Awaiting Assignment	176	228	147	75	246
	995	**979**	**756**	**640**	**721**

How We Dealt with Inquiries and Complaints in 2013/2014


Files opened and assigned to early resolution officers 3%
Files opened and sent to investigation (files awaiting assignment list) 22%
Files opened, processed and closed by complaints analysts 49%
Requests for information or assistance 26%

Complaints and Inquiries received

513 letters
774 online forms
189 in person

6,212 phone calls

Call Coordinators
Process phone calls

Further assistance required – pass contact information to a Complaints Analyst

Call Coordinators able to answer question or make referral

Call Coordinator deals with request for information or assistance

1,969 requests for information or assistance

Complaints Analysts
Collect information and open files
5,719 files opened by complaints analysts

File not closed at intake – assigned to an Early Resolution Officer

File not closed at intake – sent to Investigation

File closed at intake (referrals, non-jurisdictional, etc.)

Complaints Analyst closes file

3,744 files closed at intake

Early Resolution Officers
Investigate complaints suitable for the early resolution process

243 files assigned to Early Resolution Officers

224 files closed by Early Resolution Officers

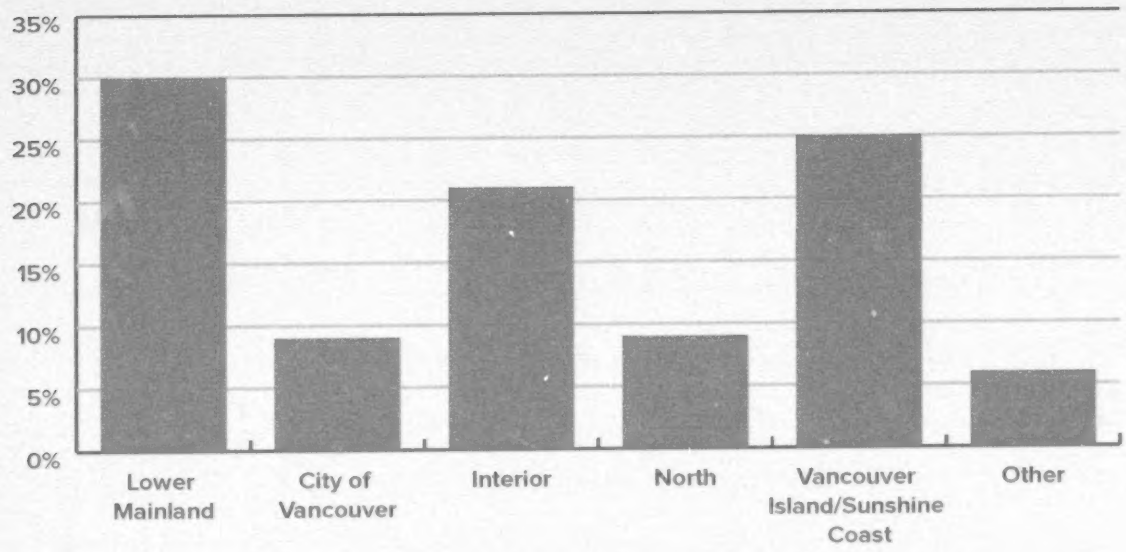
Files Awaiting Assignment List

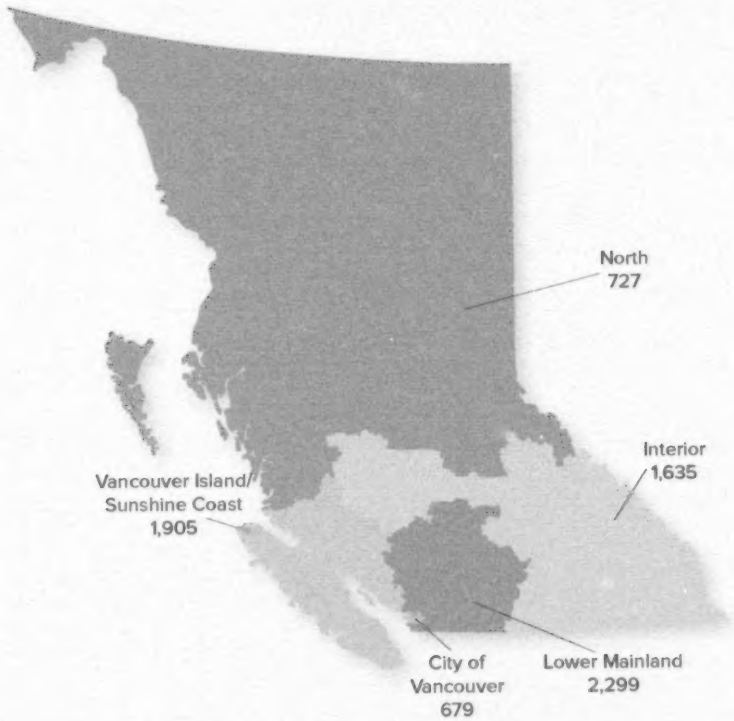
75 files were waiting on the FAA list as of April 1, 2013
1,799 files were sent to the FAA list in 2013/2014 (including **17** transferred early resolution files)
246 files remained on the FAA list as of March 31, 2014

Ombudsperson Officers
Investigate Complaints

1,571 files assigned to Ombudsperson Officers

Complaints and Inquiries Received – By Region





Note: The category "Other" includes complaints/inquiries from people outside BC (186), and from people within BC who did not provide a postal code or city (257).

Complaints and Inquiries Received – By Electoral District

#	ELECTORAL DISTRICT	RECEIVED
1	Abbotsford-Mission	68
2	Abbotsford South	82
3	Abbotsford West	54
4	Alberni-Pacific Rim	114
5	Boundary-Similkameen	97
6	Burnaby-Deer Lake	43
7	Burnaby-Edmonds	55
8	Burnaby-Lougheed	24
9	Burnaby North	24
10	Cariboo-Chilcotin	47
11	Cariboo North	83
12	Chilliwack	84
13	Chilliwack-Hope	90
14	Columbia River-Revelstoke	96
15	Comox Valley	149
16	Coquitlam-Burke Mountain	40
17	Coquitlam-Maillardville	78
18	Cowichan Valley	127
19	Delta North	50
20	Delta South	23
21	Esquimalt-Royal Roads	94
22	Fort Langley-Aldergrove	75
23	Fraser-Nicola	101
24	Juan de Fuca	110
25	Kamloops-North Thompson	122
26	Kamloops-South Thompson	118
27	Kelowna-Lake Country	83
28	Kelowna-Mission	101
29	Kootenay East	127
30	Kootenay West	97
31	Langley	58
32	Maple Ridge-Mission	84
33	Maple Ridge-Pitt Meadows	132
34	Nanaimo	165
35	Nanaimo-North Cowichan	106
36	Nechako Lakes	66
37	Nelson-Creston	96
38	New Westminster	88
39	North Coast	43
40	North Island	150
41	North Vancouver-Lonsdale	60
42	North Vancouver-Seymour	25
43	Oak Bay-Gordon Head	56
44	Parksville-Qualicum	89
45	Peace River North	66
46	Peace River South	64
47	Penticton	163
48	Port Coquitlam	108
49	Port Moody-Coquitlam	26
50	Powell River-Sunshine Coast	87
51	Prince George-Mackenzie	68
52	Prince George-Valemount	184
53	Richmond Centre	19
54	Richmond East	38
55	Richmond-Steveston	29
56	Saanich North and the Islands	113
57	Saanich South	62
58	Shuswap	132
59	Skeena	58
60	Stikine	50
61	Surrey-Cloverdale	44
62	Surrey-Fleetwood	34
63	Surrey-Green Timbers	42
64	Surrey-Newton	47
65	Surrey-Panorama	57
66	Surrey-Tynehead	49
67	Surrey-Whalley	67
68	Surrey-White Rock	51
69	Vancouver-Fairview	47
70	Vancouver-False Creek	74
71	Vancouver-Fraserview	42
72	Vancouver-Hastings	47
73	Vancouver-Kensington	19
74	Vancouver-Kingsway	38
75	Vancouver-Langara	33
76	Vancouver-Mount Pleasant	105
77	Vancouver-Point Grey	34
78	Vancouver-Quilchena	29
79	Vancouver-West End	45
80	Vernon-Monashee	161
81	Victoria-Beacon Hill	183
82	Victoria-Swan Lake	129
83	West Vancouver-Capilano	26
84	West Vancouver-Sea to Sky	77
85	Westside-Kelowna	100
	Total	6,521

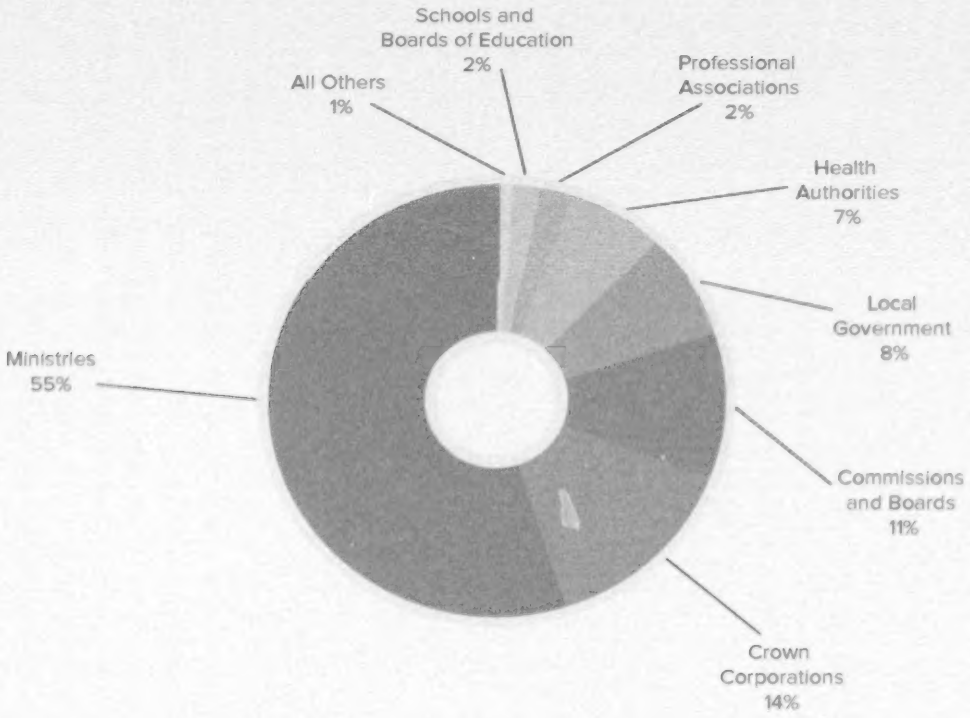
Note: These numbers do not include complaints/inquiries from outside BC (186), or from people who did not provide a postal code or city from which the electoral district could be determined (981).

Files Opened – Significant Authorities

	AUTHORITY	2012/2013 % OF TOTAL JURISDICTIONAL FILES OPENED	2013/2014 % OF TOTAL JURISDICTIONAL FILES OPENED
1	Ministry of Social Development and Social Innovation	19.7%	21.0%
2	Ministry of Children and Family Development	12.8%	13.2%
3	Ministry of Justice	11.8%	11.0%
4	BC Hydro and Power Authority	4.1%	5.7%
5	Workers' Compensation Board	6.1%	5.5%
6	ICBC	5.9%	5.3%
7	Ministry of Health	2.7%	2.9%
8	Vancouver Island Health Authority	2.3%	1.9%
9	Ministry of Finance	1.7%	1.9%
10	BC Housing	2.0%	1.8%

Note: Ministry of Health file numbers do not include Health Authorities. Ministry of Health files combined with Health Authority files total 9.5% of jurisdictional files.

Files Opened – By Authority Category



MINISTRIES (55%)		
Social Development and Social Innovation	38%	1110
Children and Family Development	24%	696
Justice	20%	580
Health	5%	156
Finance	3%	98
Natural Gas Development	3%	85
Forests, Lands and Natural Resource Operations	1%	43
Transportation and Infrastructure	1%	34
Jobs, Tourism and Skill Training	1%	25
Environment	1%	19
Advanced Education	1%	18
Other Ministries	2%	57

CROWN CORPORATIONS (14%)		
BC Hydro and Power Authority	41%	300
ICBC	38%	278
BC Housing	13%	94
Community Living BC	3%	24
BC Assessment	2%	16
Transportation Investment Corporation	2%	11
Other Crown Corporations	1%	10

COMMISSIONS AND BOARDS (11%)		
Workers' Compensation Board	49%	293
Public Guardian and Trustee	11%	65
Workers' Compensation Appeal Tribunal	6%	35
Labour Relations Board	3%	17
Employment and Assistance Appeal Tribunal	3%	16
Human Rights Tribunal	3%	16
Private Career Training Institutions Agency	3%	15
TransLink	2%	14
Motor Vehicle Sales Authority of BC	2%	12
Financial Institutions Commission	2%	11
BC Utilities Commission	2%	10
Real Estate Council	2%	10
Other Commissions and Boards	13%	80

LOCAL GOVERNMENT (8%)		
City of Vancouver	8%	33
City of Surrey	3%	13
Regional District of Central Kootenay	3%	13
City of Merritt	3%	12
Township of Langley	3%	11
City of Cranbrook	2%	10
City of Nanaimo	2%	9
City of Burnaby	2%	8
City of Prince George	2%	8
District of Mission	2%	8
District of Sechelt	2%	8
Other Local Government	68%	296

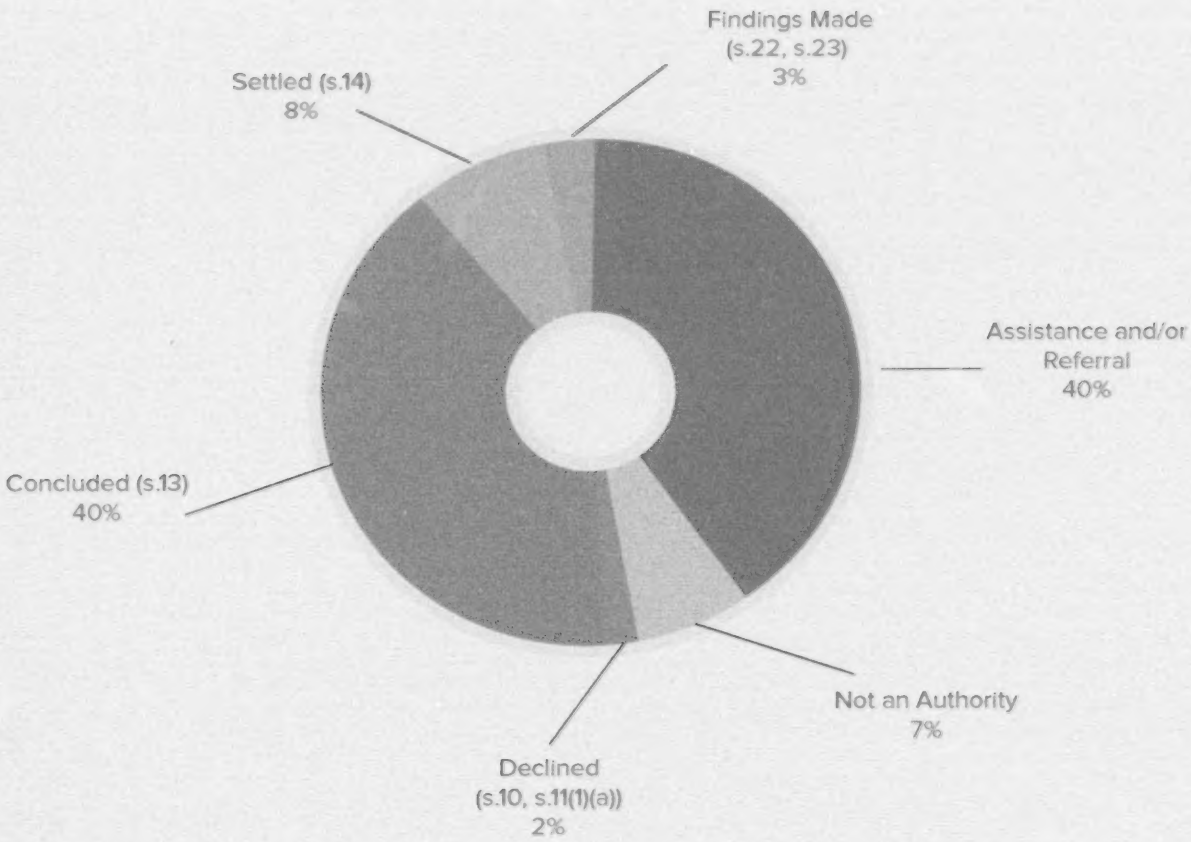
HEALTH AUTHORITIES (7%)		
Vancouver Island Health Authority	29%	101
Fraser Valley Health Authority	22%	76
Interior Health Authority	22%	75
Vancouver Coastal Health Authority	13%	46
Provincial Health Services Authority	8%	28
Northern Health Authority	6%	20

PROFESSIONAL ASSOCIATIONS (2%)		
Law Society of British Columbia	38%	47
College of Physicians and Surgeons of BC	30%	36
College of Traditional Chinese Medicine Practitioners and Acupuncturists of BC	7%	8
College of Registered Nurses of British Columbia	3%	4
Other Professional Associations	22%	27

SCHOOLS AND BOARDS OF EDUCATION (2%)		
School District 39 (Vancouver)	15%	11
School District 68 (Nanaimo-Ladysmith)	15%	11
School District 61 (Greater Victoria)	8%	6
School District 37 (Delta)	7%	5
School District 70 (Alberni)	7%	5
Other School Districts	48%	37

ALL OTHERS (1%)		
Universities	41%	28
Colleges	41%	28
Parks Boards	13%	9
Libraries	5%	4

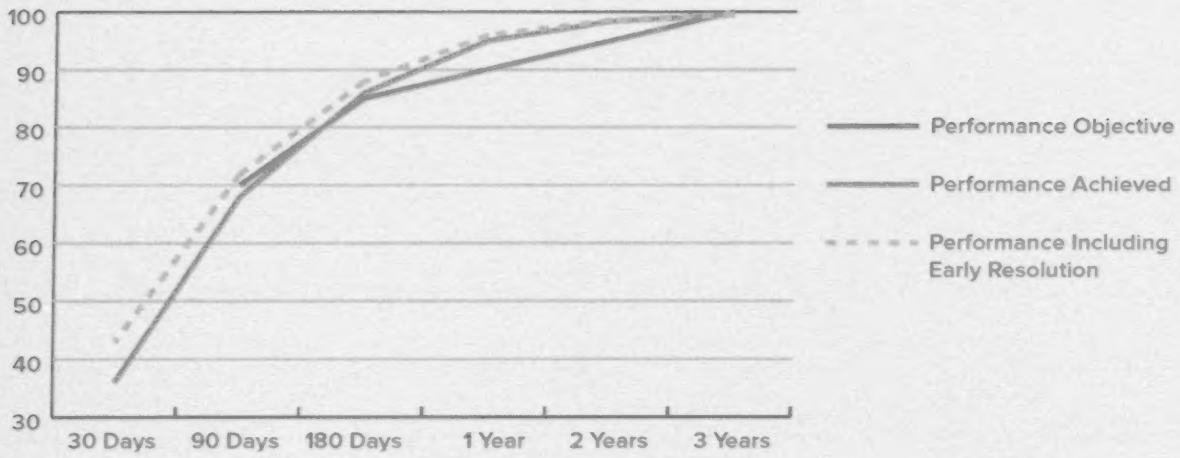
Files Closed – By Closing Status



CLOSING STATUS	MATTERS CLOSED
Assistance and/or Referral	2,288
Not an Authority	427
Declined (s.10, s.11(1)(a))	127
Concluded (s.13)	2,283
Settled (s.14)	456
Findings Made (s.22, s.23)	164
Total Matters Closed	**5,745**
Total Files Closed*	**5,639**

* Files closed may have one or more matters of administration identified, and each matter is closed separately. Therefore the number of matters closed during a period may be greater than the number of files closed. A file is considered closed when all of its matters of administration are closed.

Files Closed – Length of Time to Close



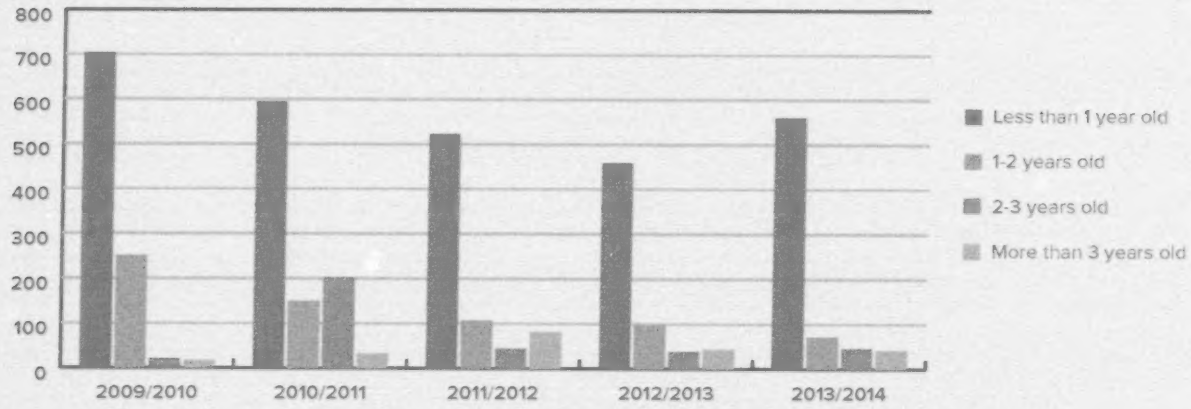
	2009/2010*		2010/2011*		2011/2012*		2012/2013*		2013/2014*	
Files Closed Within 30 Days	853	37%	639	38%	517	35%	600	37%	589	36%
Including early resolution files	1,159	45%	926	47%	773	45%	826	45%	812	43%
Files Closed Within 90 Days	1,528	67%	1,118	66%	939	64%	1,072	66%	1,129	68%
Including early resolution files	1,837	71%	1,398	71%	1,195	69%	1,298	70%	1,352	72%
Files Closed Within 180 Days	1,901	83%	1,411	83%	1,232	83%	1,343	83%	1,425	86%
Including early resolution files	2,210	85%	1,694	86%	1,488	86%	1,569	85%	1,649	88%
Files Closed Within 1 Year	2,162	95%	1,587	93%	1,403	95%	1,526	94%	1,574	95%
Including early resolution files	2,472	95%	1,885	94%	1,659	96%	1,752	95%	1,798	96%
Files Closed Within 2 Years	2,261	99.0%	1,683	98.9%	1,463	99.1%	1,605	99.3%	1,631	98.4%
Including early resolution files	2,571	99.1%	1,984	99.1%	1,719	99.2%	1,831	99.3%	1,855	98.6%
Files Closed Within 3 Years	2,278	99.7%	1,696	99.7%	1,474	99.8%	1,609	99.5%	1,650	99.5%
Including early resolution files	2,588	99.8%	1,997	99.8%	1,730	99.8%	1,835	99.6%	1,874	99.6%

Performance Objectives**

70% closed within 90 days
85% closed within 180 days
90% closed within one year
95% closed within two years
100% closed within three years

* Time to close does not include time spent on the Files Awaiting Assignment list.
** These performance objectives apply to files closed by the investigative teams. Files closed at intake are not included in these numbers, nor are files associated with ongoing systemic investigations.

Open Files – Age of Files at Year End



	2009/2010		2010/2011		2011/2012		2012/2013		2013/2014	
Less Than 1 Year Old	704	71%	595	61%	523	69%	459	71%	561	78%
1-2 Years Old	251		150		107		98		72	
2-3 Years Old	22	29%	202	39%	45	31%	39	29%	46	22%
More than 3 years old	18		32		81		44		42	
Total Open Files at Year End	**995**		**979**		**756**		**640**		**721**	

Authority Categories - Summary

The Office of the Ombudsperson has jurisdictional authority over provincial public authorities as laid out in the Schedule to the *Ombudsperson Act*. These have been grouped below into categories. A complete detailed list of authorities and numbers of files opened and closed can be found at www.bcombudsperson.ca

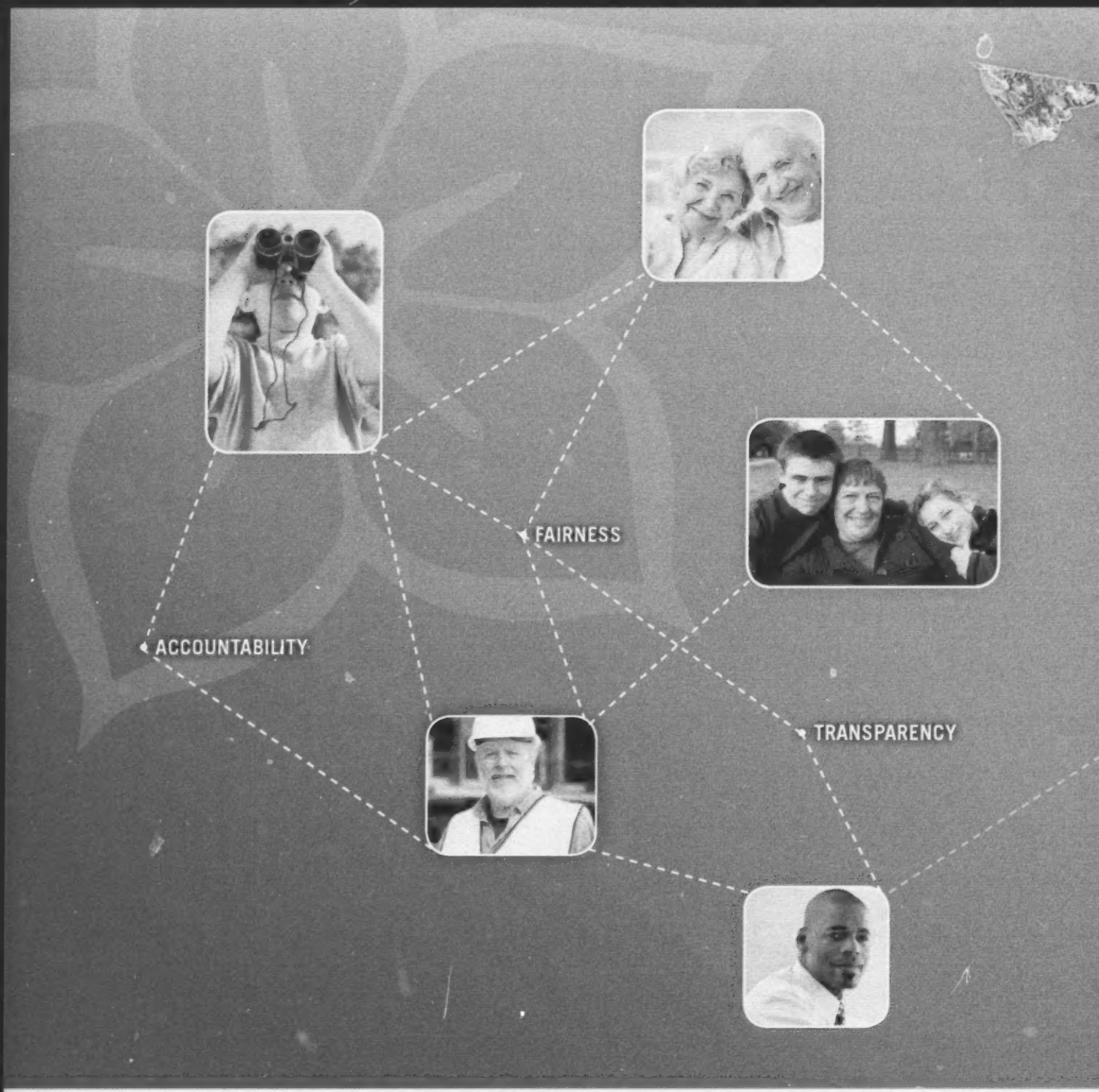
AUTHORITY CATEGORIES BY SECTION OF THE SCHEDULE TO THE OMBUDSPERSON ACT	OPEN FILES AS OF APRIL 1, 2013	REQUESTS FOR INFORMATION OR ASSISTANCE	FILES OPENED	FILES CLOSED*								
				ASSISTANCE AND/ OR REFERRAL	DECLINED (S.10, 11)	CONCLUDED (S.13)	SETTLED (S.14)	FINDINGS NOT SUBSTANTIATED (S.22)	FINDINGS SUBSTANTIATED (S.23)	TOTAL MATTERS CLOSED	TOTAL FILES CLOSED	OPEN FILES AS OF MARCH 31, 2014
Ministries	294	146	2921	1191	89	1289	331	90	3**	2993	2913	303
Commissions and Boards	89	86	594	334	37	187	35	15	0	608	596	87
Crown Corporations	91	18	733	248	2	416	41	20	0	727	719	105
Municipalities	60	6	340	112	1	164	14	16	0	307	306	94
Regional Districts	15	0	78	27	0	43	5	3	0	78	78	15
Islands Trust	1	0	4	1	0	4	0	0	0	5	5	0
Improvement Districts	4	0	7	1	0	3	0	0	0	4	4	7
Libraries	2	0	4	2	0	1	0	0	0	3	3	3
Parks Boards	3	0	9	3	0	3	1	0	0	7	7	5
Schools and School Boards	22	0	75	33	0	33	1	5	0	72	70	27
Universities	5	0	28	15	1	12	2	1	0	31	31	2
Colleges	2	0	28	13	0	10	1	3	0	27	27	3
Professional Associations	12	27	122	77	0	25	7	2	0	111	111	23
Health Authorities	40	16	346	229	0	93	18	6	0	346	343	43
Totals	640	299	5289	2286	130	2283	456	161	3	5319	5213	717

* Files closed may have one or more matters of administration identified, and each matter is closed separately. Therefore the number of matters closed during a period may be greater than the number of files closed. A file is considered closed when all of its matters of administration are closed.

** This includes the findings and recommendations in the systemic investigation reports *Time Matters* and *Striking a Balance* – see table on following page.

Systemic Investigations completed in 2013/2014

	NUMBER OF FINDINGS MADE	NUMBER OF RECOMMENDATIONS MADE	RECOMMENDATIONS ACCEPTED	
			IN FULL	IN PART
Public Report No. 50 - Striking a Balance: The Challenges of Using a Professional Reference Model in Environmental Protection – British Columbia's Riparian Areas Regulation				
Ministry of Forests, Lands and Natural Resource Operations	21	25	24	0
Special Report No. 35 – Time Matters: An Investigation into the BC Employment and Assistance Reconsideration Process				
Ministry of Social Development and Social Innovation	3	4	4	0



The Office of the Ombudsperson
B.C.'s Independent Voice For Fairness

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